

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEVAR T. HENRY,

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER GARY PEREZ,
SHIELD #27357, in his individual capacity;
POLICE OFFICER RANDYS FIGUEROO, SHIELD #19407,
in his individual capacity; POLICE OFFICER
JUAN CARREREO, SHIELD #00160, in his individual
capacity; POLICE OFFICER CARLOS PIMENTEL,
SHIELD #07608, in his individual capacity;
POLICE OFFICER CARLOS THOMAS, SHIELD #21295, in
his individual capacity; LIEUTENANT CHRISTAIN
HERNANDEZ, of TRANSIT BUREAU DISTRICT 11, in his
official and individual capacity,

Defendants. _____

RECEIVED
SOUTHERN DISTRICT OF NEW YORK
2018 NOV -3 AM 10:50
SECOND AMENDED COMPLAINT

JURY TRIAL DEMANDED

17-CV-03450 (JGK) (SDA)

PLAINTIFF'S SECOND AMENDED COMPLAINT

Plaintiff Levar T. Henry, for his second amended complaint against defendants City of New York, Police Officer Gary Perez, Police Officer Randys Figueroo, Police Officer Juan Carrero, Police Officer Carlos Pimentel, Police Officer Carlos Thomas, Lieutenant Christain Hernandez, alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action brought under 42 U.S.C. § 1983 concerning the actions of defendant New York City Police Officers Gary Perez, Randys Figueroo, Juan Carrero, Carlos Pimentel, Carlos Thomas, and New York City Police Lieutenant Christain Hernandez in racially profiling, unlawfully arresting, illegally searching, taking of property, using excessive and unreasonable force, fabrication of legal documents and testimony under oath against plaintiff Levar T. Henry. The actions and extraordinary misconduct of defendant officers and lieutenant are the result of failure to train City employees in relevant respect to the level of City policy or custom under § 1983, this failure to train must amount to deliberate indifference to rights of person with whom these untrained employees come into contact. By failure to adequately supervise or discipline officers who use excessive and unreasonable force, steal property and lie about it, thus embolding such behavior. A failure to investigate

or reprimand might also cause a future violation by sending a message to officers that such behavior is tolerated. Pattern of similar constitutional violations by untrained City of New York employees is ordinarily liable on failure-to-train theory under 42 U.S.C. § 1983, on the part of defendant City of New York.

2. As a result of the defendants' pervasive unconstitutional conduct, Plaintiff Mr. Levar T. Henry is incarcerated.

3. Plaintiff Levar T. Henry now brings this action under 42 U.S.C. § 1983 to seek redress for the violations of his rights and the significant damages he suffered.

JURISDICTION

4. This Court has jurisdiction over the subject matter of this second amended complaint ("Complaint") under 42 U.S.C. § 1983 and 28 U.S.C. § 1331 and § 1343(a)(3).

PARTIES

5. Plaintiff Levar T. Henry, age 40, is and was at all times relevant to this Complaint born and a resident of New York, New York. Plaintiff is now a prisoner in Franklin Correctional Facility, 62 Bare Hill Road, PO Box 10, Malone, NY 12953-0010.

6. Defendant City of New York is a municipality in New York State and owns, operates, manages, directs, and controls the New York City Police Department (NYPD), which employs defendants Police Officer Gary Perez, Police Officer Randys Figuereo, Police Officer Juan Carrero, Police Officer Carlos Pimentel, Police Officer Carlos Thomas, and Lieutenant Christain Hernandez.

7. Defendant Police Officer Gary Perez, Shield #27357, NYPD, Housing Bureau Police Service Area (PSA) 6, 2770 8th Ave., New York, NY 10039 (during incident); now also known as Shield #5365, One Police Plaza, Room 1200, New York, NY 10038, is and was at all times relevant to this Complaint an officer in the New York City Police Department. He is sued in his individual capacity.

8. Defendant Police Officer Randys Figuereo, Shield #19407, NYPD, Housing Bureau Police Service Area (PSA) 6, 2770 8th Ave., New York, NY 10039 (during incident); now also known as Shield #2994, 32nd Precinct, 250 W. 135th Street, NY, NY 10030, is and was at all times relevant to this Complaint an officer in the NYPD. He is sued in his individual capacity.

9. Defendant Police Officer Juan Carrero, Shield #00160; now also known as Shield #130, NYPD, Housing Bureau Police Service Area (PSA) 6, 2770 8th Ave., New York, NY 10039, is and was at all times relevant to this Complaint an officer in the NYPD. He is sued in his individual capacity.

10. Defendant Police Officer Carlos Pimentel, Shield #07608, NYPD, Housing Bureau Police Service Area (PSA) 6, 2770 8th Ave., New York, NY 10039, is and was at all times relevant to this Complaint an officer in the NYPD (New York City Police Department). He is sued in his individual capacity.

11. Defendant Police Officer Carlos Thomas, Shield #21295, NYPD, Housing Bureau Police Service Area (PSA) 6, 2770 8th Ave., New York, N.Y. 10029, is and was at all times relevant to this Complaint an officer in the NYPD. He is sued in his individual capacity.

12. Defendant Lieutenant Christain Hernandez, NYPD, Transit Bureau District 11, 161st Street and River Avenue, Bronx, New York 10451, is and was at all times relevant to this Complaint a lieutenant officer in the NYPD. He is sued in his official capacity and individual capacity.

13. At all times relevant to this Complaint, all defendants acted in concert and conspiracy and were jointly and severally responsible for the harms caused to plaintiff.

14. At all times relevant to this Complaint, all defendants acted under color of state law.

FACTUAL ALLEGATIONS

15. On August 18, 2016, at or about 9:00pm Plaintiff Levar T. Henry (HENRY) circled his neighborhood looking for a parking space; upset about the bumper to bumper, lack of space and decline of gas while searching the plaintiff played his music loudly. Plaintiff parked his 2008 CHEVROLET SUBURBAN LTZ 1500 (large SUV) on West 154th Street between Macombs Place and 8th Avenue.

16. Plaintiff lives at 272 W.154th Street, New York, NY 10039, with his wife and six children. The building is located between Macombs Pl. and 8th Avenue.

17. Due to prior racial profiling issues with the NYPD, stop and frisk, fabricated report complaints, fabricated traffic violation reports, false car accident reports,

car vandalism (break in), and parking lot security plaintiff installed two (2) mini infra-red night vision dash cameras (cams) in his vehicle (Title and Identification #1GNFK16378R259076: Vehicle Identification Number).(EXHIBIT A)

18. These audio/video dash cams sat attached between the windshield and rearview mirror, above the dash board, for surveillance of the front. The second sat attached by suction cup to the back factory tinted back window. Both cams contained 32GB SD memory cards. They remained plugged, although rechargeable; therefore, they (cams) remain on for video surveillance when plaintiff is driving or not.(EXHIBIT A)

19. On August 18,2016 after parking his SUV inside of West 154th Street, Manhattan, New York the Plaintiff Mr. HENRY is ambushed, knocked out, attacked, and degraded by three individuals. Plaintiff wakes up after the first attack and learns these individuals are Housing Bureau Police Service Area (PSA) 6 defendant officers RANDYS FIGURERO, GARY PEREZ, and JUAN CARRERO. Plaintiff was beaten and sodomized. Plaintiff is illegally arrested and further violated inside Housing Bureau PSA 6 station house.

20. On August 18,2016, Both video surveillance cams were recording from plaintiff's vehicle (SUV) during this incident and violation of plaintiff's Civil Rights.

21. August 18,2016, as a result of police brutality, plaintiff is put into Harlem Hospital Emergency room. (EXHIBIT B)

22. Plaintiff's wife (Ladonna D. Henry) and children observe him being wheelchaired out of PSA 6. Plaintiff had to sit sideways due to anal pain. Ladonna D. Henry ask FDNY EMS (New York City Fire Department's Emergency Medical Service) what hospital will Mr. Henry be taken and FDNY EMS state they cannot tell her. Plaintiff advises his wife to get the keys to his SUV, that is when Ladonna D. Henry advises PSA 6 (Housing Bureau Police Service Area 6, NYPD) desk officer told her plaintiff's SUV is "Evidence" and the keys to plaintiff's SUV could not be turned over to her. The desk officer got this information from the arresting officer defendant GARY PEREZ.

23. On August 18,2016, the FDNY EMT's that spoke to LADONNA D. HENRY are ROBERT LYNCH and KYLE KLEB.

24. On August 18,2016, LADONNA D. HENRY calls IAB (Internal Affairs Bureau) and starts

complaint.

25. At or about 10:00am, August 19, 2016, plaintiff is released from Harlem Hospital Center. Police Officers take plaintiff and EDWARD GOLDFADEN back to PSA 6 to be photographed and finger printed. At this time MR. HENRY did not know who EDWARD GOLDFADEN was but came to know him (GOLDFADEN) as the other man arrested about 25 feet ahead of where plaintiff was ambushed, knocked unconscious and sodomized. GOLDFADEN had been sent to Harlem Hospital Center for x-rays. The x-rays of GOLDFADEN's insides for contraband were negative.

26. At or about 10:00am, August 19, 2016, defendants GARY PEREZ, RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, or HERNANDEZ are nowhere to be found; moreover, the keys to plaintiff's SUV are nowhere to be found. (EXHIBIT B)

27. On or about August 19, 2016, plaintiff meets court appointed attorney PERCY DIEGO GAYANILO (18B). Plaintiff informs the attorney that he would like to testify before a Manhattan (New York County) Grand Jury. Plaintiff knew his Civil Rights were violated. Plaintiff advises GAYANILO of witnesses on the scene, witnesses who called 911 for FDNY EMS at the scene, video surveillance captured from HENRY's SUV and neighbor's; FDNY EMT (LYNCH and KLEB), that wheelchair HENRY (plaintiff) from the police car in restraints (ankles/rear handcuff) into Housing Bureau PSA 6 jail cell; and out to Harlem Hospital.

28. Plaintiff was discharged from Harlem Hospital Center, 506 Lenox Avenue, New York, NY 10037, prematurely. Sharpness in Mr. HENRY's vision was absent. His anal bled and in the following days a scabby anal made it even more impossible to sleep, sit, and defecate. These injuries were abnormal. Plaintiff's head injuries were deeper than the surface wounds; he feared raising his head from laying down for several weeks to months because the room would not stop spinning. Headaches would not go away. Back pain abnormal. Plaintiff's mental health was abnormal. He bled and smelled it from knees, elbows, wrist, shoulders, ankles, thighs, anal area and head for over 50 days. Plaintiff was rushed to Manhattan Detention Center clinic multiple times due to his injuries. Sometimes he got attention he needed, but most of the time he did not. (EXHIBIT B)

29. Plaintiff believes since he was a prisoner of NYPD Housing Bureau PSA 6 his care

was limited. Every time the staff would ask, "who did this?", or "What happened?", they would act less concerned about plaintiff once he answered, "Police". Harlem Hospital released HENRY prematurely. There was mixed emotion and care regarding staff that treated him. Due to his detainee status he was released prematurely. Getting HENRY to court was more important than his health. The pain medication wore off before HENRY seen the judge on or about August 19, 2016. Mr. HENRY could barely stand before the Court. He also noticed and felt the pain of a tooth that had been cracked and was later removed. HENRY revisits this degrading attack via nightmares.

30. Plaintiff is interviewed by IAB (INTERNAL AFFAIRS BUREAU) at Manhattan Detention Center (MDC), 125 White Street, New York, NY 10013. This is on or about August 23, 2016, when HENRY (the plaintiff) picks defendants RANDYS FIGUERO and GARY PEREZ of PSA 6 out of a photo line up sheet. Moreover, he explains to IAB his bleeding scars on head, wrist, legs and ankles (from the leg shackles placed on him before he was wheeled into PSA 6). The IAB investigators advise him they are not allowed to take photos anymore. IAB informs plaintiff of his wife's call and they would investigate the incident.

31. On or about August 24, 2016, plaintiff appears with attorney GAYANILO. Plaintiff informs the court by raising his hand to ask the judge could he testify before the MANHATTAN GRAND JURY (100 Centre Street, New York, NY 10013). The Judge informs HENRY and GAYANILO, "2nd call". Plaintiff is never produced again for the "2nd call" promised to him. (EXHIBIT C)

32. Plaintiff never enters another New York County court room until September 19, 2016 (Part 23). HENRY is indicted for a charge he was never arrested for (Criminal Possession of a Controlled Substance in the 3°, which is intent to sale; "Direct proof of intent to distribute [sale] can come from many sources, in particular the defendant's words (a expression intention) or actions (police witnessing a series of sales before arresting the suspect, who is then found to possess additional amounts of drugs packaged for sale)"; and GAYANILO waived plaintiff's Grand Jury appearance/request. Accordingly, it breeds conflict between HENRY and GAYANILO. Plaintiff had already made statements to IAB and mailed out a notarized PERSONAL INJURY CLAIM FORM to NEW YORK CITY COMPTROLLER'S OFFICE

(Claim No. 2016PI028447).(EXHIBIT D)

33. Plaintiff did not understand why PERCY DIEGO GAYANILO did not want to put evidence before the GRAND JURY. The only response(s) plaintiff got was, "You got a violent history". Plaintiff felt the GRAND JURY did not believe defendant police officers PEREZ and FIGUERO. Mr. HENRY did not know what VIDEO (evidence) had to do with history. No GRAND JURY indictment on Criminal Possession of a Controlled Substance in the 3^o (with Intent to Sale). The case should have been dismissed. It appeared to plaintiff that he was going against a machine. A machine that wanted to cover sodomy, police brutality, and evidence. "Manhattan Grand Jury would indict a ham sandwich", "Manhattan Courts are different", "This is Manhattan!!!", and "I've been working here 15 years", expressed defense attorney GAYANILO. Everything was negative. Plaintiff noticed that he was being railroaded by the machine called CITY OF NEW YORK his attorney was an employee of. The Manhattan plaintiff knew was not corrupt. His Manhattan protected the peoples rights (CONSTITUTIONAL BIRTH RIGHTS). (EXHIBIT C)

34. Plaintiff's next court date was pushed to December 12,2016. GAYANILO did not show. (EXHIBIT D)

35. September 9,2016. Personal Injury Claim Form, page 2: "CLAIMANT WAS SEXUALLY ASS[a]ULTED AND BEATEN BY OFFICERS OF HOUSING BUREAU PSA6. AFTER CLAIMANT EXITED HIS CAR A[nd] BEGAN TO WALK TOWARD THE MIDDLE OF WEST 154th A GRAY SMALL CAR STOPS[,] A LIGHTSKIN MALE JUMPS OUT AND BEGINS TO REACH FOR HIS (CLAIMANTS) HEAD AND BEGINS PUSHING IT INTO THE WALL OF THE U.C.P. BUILDING AS CLAIMANT HELD A CIGERETTE AND PHONE. NEVER SAYING HE WAS A HOUSING BUREAU PSA6 OR COP. CLAIMANT IS KNOCKED OUT AFTER THE THIRD STRIKE AGAINST THE WALL. CLAIMANT AWAKES CUFFED WITH ANOTHER PSA6 OFFICER REACHING INTO HIS RECTUM AREA. CLAIMANT FEELS MANY MEN ON TOP OF HIM. HE SEE A CROWD FORMING AROUND HIM AND SCREAM "THEY DIGGING IN MY ASS CALL MY WIFE...RING MY BELL". CLAIMANT HEAD IS BUSTED FROM MULTIPLE BLOWS TO IT. INSTEAD OF WAITING ON THE EMS. OFFICERS TOSS CLAIMANT INTO a CAR FACE DOWN AS COP PULLS HIM IN HE RECEIVES KNEES TO THE TOPOF THE HEAD. THE EMS FDNY IS WAITING AT PSA6 BLDG. CLAIMANT IS PLACED IN A WHEEL CHAIR BUT COPS REFUSE TO LET THE EMS TAKE CLAIMANT TO HOSPITAL. CLAIMANT IS WHEELED INTO THE BLDG FEET CUFFED AND TOSSED INTO A CELL INTO ANOTHER PERSONS THROW UP. OFFICERS RUSH IN AND BEGIN BEATING

A[nd] STRIPPING HIM GOING INTO HIS RECTUM FULLY. HE WAKES UP ON FLOOR STILL CUFFED AND NOW BLEEDING FROM THE OTHERSIDE OF THE HEAD. HIS PANTS WERE DOWN AND THE EMS FDNY WORKER WAS LAUGHING AND THE OTHER REFUSED TO LOOK...PHONE AND MONEY WERE ALSO TOOK." (EXHIBIT D)

36. This was the most notoriously inhumane, nastiest, degrading, and traumatizing thing that ever happened to Mr. HENRY. Defendant RANDYS FIGUERO, is the "LIGHTSKIN MALE" in HENRY's excessive force Personal Injury Claim against the CITY OF NEW YORK above. Defendant GARY PEREZ, is "ANOTHER PSA6 OFFICER" in the above excessive force Personal Injury Claim against the CITY OF NEW YORK. Defendants RANDYS FIGUERO, GARY PEREZ, and JUAN CARRERO are "MANY MEN ON TOP" and "PSA6 COPS" described in HENRY's excessive force Personal Injury Claim against the CITY OF NEW YORK. Defendant GARY PEREZ, is "COP PULLS HIM IN HE RECEIVES KNEES"; Mr. HENRY (plaintiff) was pulled in by PEREZ who entered marked NYPD patrol car through the left rear passenger side door and delivered knees to the top of plaintiff's head as another officer pushed HENRY elevated feet into the right rear door, described in HENRY's above filed PERSONAL INJURY CLAIM against defendant CITY OF NEW YORK. Defendants RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL, GARY PEREZ, CARLOS THOMAS are "OFFICERS RUSH IN" described in Mr. HENRY's excessive force Personal Injury Claim against defendant CITY OF NEW YORK. Defendants JUAN CARRERO, CARLOS PIMENTEL, RANDYS FIGUERO, CARLOS THOMAS punch, grab, strip, and pin down HENRY's cuffed limbs (rear handcuffed arms and shackled at the ankle legs) by holding them. Plaintiff is penned and cannot move. Defendant GARY PEREZ, re-enters the PSA 6 cell with thick blue rubber gloves sanitary gloves. Plaintiff could not believe his eyes but once the defendants started to grip him and his feet were up, chest hit the cell seating plaintiff screamed for help as his basketball shorts were pulled down. HENRY tries to push away and scramble to turn himself off his stomach and protect his manhood but the pushing and pulling of him trying to go with the defendants that had hold his already chain restrained legs and arms momentum to get free; but Mr. HENRY feels the blue gloves against his anal area then a finger or two in his anal cavity with force, which makes his body jump and the defendants go with the momentum; and the left side of HENRY's head bangs into the cell gate. This causes just over the plaintiff's left eyebrow to tear open and bleed. Mr. HENRY

(the Plaintiff) is knocked unconscious.

37. Mr. HENRY awakes from the laughter of the lighter complexion FDNY EMT (LYNCH or KLEB). The plaintiff is laying on his stomach arms rear cuffed, shorts pulled down to to the ankle shackles that locked against his ankles. HENRY is bleeding from his head, anus, and other hurt scrapped up body part. He is in tears when he ask the FDNY EMT's ROBERT LYNCH and KYLE KLEB, "Why didn't you help me?". HENRY believed it was their duty but they did not care. The smell of bodily waste that discharged through HENRY's anus. The LYNCH and KLEB (NEW YORK CITY FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE) helped HENRY to his feet, pulled up his shorts and black Polo underwear which was now wet with bodily waste. Plaintiff notices FIGUEROO behind the EMT's and in pain HENRY says, "You violated my rights", FIGUEROO replies, "You have no rights". Plaintiff is placed back into the wheelchair in soiled clothes. (EXHIBIT E)

38. Plaintiff has to sit sideways due to anal and back pain caused by defendants PEREZ, FIGUEROO, CARRERO, PIMENTEL, and THOMAS. LADONNA D. HENRY (wife of Mr. HENRY) ask LYNCH and KLEB (FDNY EMS) what hospital will her husband be taken and EMT's state they cannot tell her as HENRY is loaded into the FDNY EMS vehicle. Blood is dripping from HENRY's face. His children are shocked and plaintiff can see it in their faces. Plaintiff tells wife to get the keys to his SUV. She advises HENRY that the Housing Bureau PSA 6 desk officer told her his SUV is "EVIDENCE" and the KEYS to the SUV could not be turned over to her. (EXHIBIT A)

39. Defendant CHRISTAIN HERNANDEZ authorized strip search that detailed beating and sodomy of plaintiff while at Housing Bureau PSA 6. Defendant HERNANDEZ authorized the strip search without consent and for it to be done while plaintiff was rear handcuffed and leg restraints or by any means necessary. Defendant HERNANDEZ authorized for defendants PEREZ, FIGUEROO, CARRERO, PIMENTEL, and THOMAS to beat and hold down HENRY while defendant PEREZ used blue rubber gloves to enter plaintiff. Defendant HERNANDEZ being a lieutenant of the New York City Police Department is unworthy of rank. (EXHIBIT F)

40. On September 15,2016, at or about 11:00am, at Manhattan Detention Center (MDC), 125 White Street, New York, NY 10013, plaintiff is served by Parole Officer PATINA

CARTER-CLARKE (who began supervising Mr. HENRY June 2014 after PO Shaw) with State of New York Department of Corrections and Community Supervision (NYSDOCCS) Notice of Violation paper and Violation of Release Report (#0752826). Plaintiff disregarded PO PATINA CARTER-CLARKE's advice to waive his Preliminary Hearing. PO CARTER-CLARKE advises HENRY, he would only get 90 days because of the amount of time he had been home. Moreover, HENRY (plaintiff) had successfully passed the New York City Department of Sanitation Exam (5001), maintained job employment at J & L Parking and Auto Sales (Harlem, NY) for 2½ years, attended Farrari Driving School (South Bronx, NY) to obtain his CDL; and plaintiff had responsibilities as a husband and father (6 children). Mr. HENRY expressed to Parole Officer (PO) CLARKE, "My children need to get to school on time everyday and my RIGHTS were violated", also "I know you see all these scars on me". PO CLARKE replies, "You have to know who to pick your battles with!", and storms out of the legal visit booth. (EXHIBIT G)

41. On September 19, 2016, the same day plaintiff is arraigned on indictment he receives the Felony Complaint which details a charge he was not indicted for. HENRY stands in front of JUDGE NEIL ROSS (Part 23), at 100 Centre Street, NY, NY 10013, and could not believe his ears when he heard Criminal Possession of a Controlled Substance in the 4°. Plaintiff needed a personally paid attorney but could not get to his bank card of credit cards because those items were in his SUV. He figured he could sell his SUV with help of his boss at J & L Parking and Auto Sales, but Housing Bureau PSA 6 had it (SUV) as "EVIDENCE" and his StateFarm Insurance payment (cash). (EXHIBIT C & H)

42. However, what plaintiff needed most was the VIDEO SURVEILLANCE out of his SUV. Accordingly, defendants FIGUERO and PEREZ could not prove to the NEW YORK COUNTY GRAND JURY that HENRY knowingly and unlawfully possessed a narcotic drug with intent to distribute (sale) it. This solidified the fact defendants FIGUERO, PEREZ, and CARRERO's observation was insufficient to amount to a lawful search and arrest of HENRY. The STOP AND FRISK gone wrong or run down and beat down gone wrong, due to the VIDEO SURVEILLANCE via plaintiff's SUV; and lack of honest supervision caused defendants PEREZ, FIGUERO, CARRERO, PIMENTEL, THOMAS, and HERNANDEZ to fabricate what really happened during the incident, eliminate evidence (SUV), and unconstitutionally continue to beat and sodomize

Mr. HENRY; moreover, believing the were above the law and could silence HENRY (plaintiff). Defendant CITY OF NEW YORK allows these employees to behave in this manner. CITY OF NEW YORK (ADA Brian Rodriguez) would not dismiss the indictment (3584-2016). Knowing the facts the defendant CITY OF NEW YORK did not care for the CIVIL RIGHTS of LEVAR T. HENRY. Attorney GAYANILO (18B defense lawyer) advised Mr. HENRY, "Rodriguez [CITY OF NEW YORK] wants to teach you [LEVAR T. HENRY] a lesson". A case with no prior investigation and/or STOP AND FRISK easily became a Special Narcotics (NYC) cover up. A LESSION. (EXHIBIT I)

43. On September 23,2016, HOUSING BUREAU PSA 6 defendant Police Officers GARY PEREZ and RANDYS FIGUERO are brought to testify by PO PATINA CARTER-CLARKE (HENRY's Parole Officer, Manhattan II Area Office-NYSDOCCS, 314 West 40th Street, NY, NY). This Post Release Supervision (PRS) Preliminary Hearing took place on the above date at RIKERS ISLAND JUDICIAL CENTER, East Elmhurst, NY 11370). PO CLARKE immediately lied under oath about supervising HENRY since his release, "Roundabout -- it was 2012. Roundabout December or so". PO PATINA CARTER-CLARKE began supervising HENRY June 2014 after PO Shaw. Plaintiff understood what PO CLARKE meant, "You have to know who to pick your battles with!", the last time he seen her at MDC on September 15,2016. He could tell if she had the power to waive HENRY's hearing without his consent as GAYANILO waived NEW YORK COUNTY preliminary hearing and GRAND JURY appearance, she (PO CLARKE) would have. HENRY is represented by ERIN NAGY, esq. (Legal Aid Society). The Hearing Officer SHARON BURNETT (who was a JANE DOE defendant in HENRY v. FISCHER, 2011 WL 5223600). Hearing Officer SHARON BURNETT was very bias against HENRY but it seemed it was nothing BURNETT could do to help make the testimony for defendants FIGUERO and PEREZ sound creditable. BURNETT, THE INTERPRETER, and CARTER-CLARKE did the best they could do to testify for defendants RANDYS FIGUERO and GARY PEREZ. (EXHIBIT J)

44. On September 23,2016, defendants FIGUERO and PEREZ basically lied about everything. Below are some of many statements that did not add up and should have took all merit and creditableness from these NYPD HOUSING BUREAU PSA 6 officers. One of the axioms of defendants FIGUERO and PEREZ is why tell the truth, if we believe LEVAR T. HENRY has no CONSTITUTIONAL RIGHTS.

NADY: "When did you first observe my client?"

FIGUERO: "We observed him when he came out of his truck."

PAGE 36 PRELIMINARY HEARING

NADY: "When did you first observe my client?"

PEREZ: "When he pulled up in his SUV."

PAGE 15 PRELIMINARY HEARING

NADY: "Where were you parked in relation to the truck?"

FIGUERO: "On the side street."

NADY: "Were you across the street from his parked vehicle?"

FIGUERO: "No, on the side street behind. He parked on the corner."

PAGE 36-37 PRELIMINARY HEARING

NADY: "How far away from the vehicle would you say you were?"

PEREZ: "We were like on the other sidewalk."

PAGE 15, 16 PRELIMINARY HEARING

NADY: "He's parked on the corner of 154th Street?"

FIGUERO: "Correct, and I'm parked on Macombs."

NADY: "How many feet away from his truck would you say your vehicle was at the time you first observed him?"

FIGUERO: "Probably 10-15."

PAGE 37 PRELIMINARY HEARING

NADY: "How many feet away?"

PEREZ: "Between like 10 and 15 feet."

PAGE 37 PRELIMINARY HEARING

PEREZ: "We all saw him so we say yo, let's get him."

NADY: "Just after he got out of the truck you said that?"

PEREZ: "No, before. We saw the car."

PAGE 17 PRELIMINARY HEARING

NADY: "Had you received any tips about him?"

FIGUERO: "No."

PAGE 19 PRELIMINARY HEARING

NADY: "Had you ever met my client before?"

FIGUERO: "No."

PAGE 15 PRELIMINARY HEARING

NADY: "He gets out of his truck?"

FIGUERO: "Correct."

NADY: "And do you follow him?"

FIGUERO: "He starts walking up the block. We made the left on the block."

PAGE 26 PRELIMINARY HEARING

NADY: "I'm going to object to the hearing officer leading the witness."

BURNETT: "Yes, Counsel. They walked away from you?"

FIGUERO: "They started walking, and we made the left and started going in the same direction they were going."

PAGE 16, 17 PRELIMINARY HEARING

NADY: "How long did you watch him?"

FIGUERO: "About two minutes."

NADY: "He was walking away that entire time?"

FIGUERO: "Yes."

NADY: "How far away from you did he get?"

FIGUERO: "As he started walking down, we started getting close because he was walking and we were moving in a car, so we were moving faster."

PAGE 33 PRELIMINARY HEARING

PEREZ: "At the scene, 154 and Macombs, my partner recovered three bags."

PEREZ: "At Macombs Place my partner recovered three bags."

45. The above statements are highlighted/pointed out as proof defendants FIGUERO and PEREZ are making false statement under oath; moreover, creating a false illusion stage or accessible street setting that is not real and does not sound real enough to prove a false observation of HENRY that never happened. Defendants FIGUERO and PEREZ are in the small car but at two different arrest locations. FIGUERO, CARRERO, and PEREZ were sitting

in a low gray Honda/Toyota observing but not where they stated. Both FIGUERO and PEREZ agree HENRY has a large black CHEVY SUBURBAN LTZ 1500 (2008) SUV which they claim he parked on the corner of 154th Street; and they are parked, "Probably 10-15" feet, "Between like 10 and 15 feet", away from HENRY. Actually, it sounds coached; they make it convenient as possible and finally add the individual standing on the corner waiting at or about 9:17pm in the dark of night. Defendants never say what side of 154th Street (left or right, North or South) HENRY (the plaintiff) is parked on, which is an imperative. However, defendants state HENRY exits his SUV on the corner. HENRY could have easily done a transaction in his vehicle but that was not the case. If these defendants are parked/observing from "[b]etween like 10 and 15 feet", that would mean they are on the corner also or blocking traffic but defendants FIGUERO and PEREZ never say that, instead they testified, "No, on the side street behind. He parked on the corner", and "We were like on the other sidewalk". Wherever defendants were the small gray car would not help their observation, if any. At the location none of these spots exist but it sounds good in the testimony to the people who do not know the area. (EXHIBIT J)

46. Where defendant FIGUERO (driver or conveniently placed driver) really goes illusional and buzzarro in his testimony is he testifies twice that he made a "left" turn. It is a fact a left turn cannot be made on W.154th Street from Macombs Place if FIGUERO, CARRERO, and PEREZ are parked, "Probably 10-15" feet away making an observation. If this was a fact defendants FIGUERO, CARRERO, and PEREZ would've been parked on the downtown side of the street facing the wrong direction (facing uptown). If the defendants were parked "On the side street" behind and made a "left" their car would have been headed East, in the direction of the HARLEM RIVER DRIVE. If their car was parked on the South corner "Between 10 and 15 feet", Mr. HENRY's SUV would be to big for the defendants to see over. A right turn can only be made into W.154th Street from Macombs Place legally from "Probably 10-15" feet. Macombs Place has uptown and downtown traffic lanes. (EXHIBIT J) Furthermore, Macombs Place is a two way street with a divider/walkway placed in the middle.

47. In more reality, at or about a month prior to this observation incident J & L Parking and Auto Sales (neighborhood parking lot at 280 W.155th Street, NY, NY 10039) had closed their flag ship parking lot. There are several other locations in other parts of

New York City but this West 155th location had been serving the uptown community for 30 years. Therefore, parking in this uptown area was very bad. People who lived in this neighborhood stopped moving their vehicles especially at night. Plaintiff circled his block where he, Ladonna D. Henry, and 6 children called home (W.154th); driving a large CHEVY SUBURBAN LTZ 1500 and needed a place to park. August 18, 2016, at or about 9pm was one of those nights a driver (HENRY) is looking into parked cars windows hoping to see a driver, just to ask "Are you pulling out?". Defendants FIGUEROO, CARRERO, and PEREZ would have been a target for neighborhood guest and residents for the parking spot that was so easy to pull out of and never lose sight of someone walking in the opposite direction, if any. It took skill for plaintiff to park between two cars that feared catching the parking ticket HENRY caught on or about a month prior for parking in the same spot on August 18, 2016. That spot was not on the corner of 154th Street or opposite "70 Macombs Place" but in front of the Toyota Part Store driveway which is not on 154th Street corner where there is a Car Wash detail located; and 3 1/2 blocks away from "opposite 70 Macombs Place" (W. 151st Street, HARLEM RIVER HOUSING). (EXHIBIT J & L)

48. Defendants PEREZ, FIGUEROO, and CARRERO of NYPD HOUSING BUREAU PSA 6 ANTI-CRIME UNIT never observed a hand to hand between HENRY and another individual. PEREZ: "We all saw him so we say yo, let's get him", ERIN NADY: "Just after he got out of the truck you said that?", PEREZ: "No, before. We saw the car". The defendants were clearly out to violate HENRY's Constitutional Civil Rights and defendant CITY OF NEW YORK's Anti-Crime Unit did it because the defendant CITY OF NEW YORK allows their employees (defendants PEREZ, FIGUEROO, and CARRERO) to as long as they lie about it. HENRY was alone.

FELONY COMPLAINT 8/19/16 14:57

PEREZ: "I then observed Police Officer Randys Figuereo, Shield# 19407 of Housing Bureau PSA 6, in a struggle with HENRY, in that HEHRY was refusing to be handcuffed by stiffening his arms and continuously reaching toward the back of his shorts despite orders to stop resisting. I am informed by Officer Figuereo that he observed a total of three (3) small plastic bags each containing a white rocky substance fall from HENRY's shorts during the struggle."

NADY: "Did you say anything to my client?"

FIGUERO: "I don't recall."

NADY: "At what point did you say something to my client?"

FIGUERO: "I was trying to, but he was resisiting."

CLARKE: "Did you identify yourself?"

NADY: "At this point you had not observed any actual physical material. You had only observed him shaking hands?"

FIGUERO: "We saw the movement. In my experience I believed it to be a drug transaction."

NADY: "Had you ever met my client before?"

FIGUERO: "No."

NADY: "All three of the officers surrounded my client at this point?"

FIGUERO: "I stopped your client, and my other two partners went to the other guy, the other person."

PAGE 22-23, 24 PRELIMINARY HEARING

FIGUERO: "Anticrime."

CLARKE: "Which means?"

FIGUERO: "Consists of working in plainclothes, looking for people doing illegal activities. To defer crime before it happens."

CLARKE: "When you met with Mr. Henry, did you identify yourself?"

CLARKE: "Did you say anything to him?"

FIGUERO: "I don't recall exactly what I said."

BURNETT: "When you say you tried to place him in cuffs, did you tell him to turn around? What exactly do you recall saying to him?"

FIGUERO: "I remember I was trying to put his hands to the wall."

BURNETT: "You were close to a wall?"

PAGE 24-25 PRELIMINARY HEARING

BURNETT: "You didn't tell him what he was being placed under arrest for?"

FIGUERO: "Not at the moment."

BURNETT: "What's the procedure?"

FIGUERO: "The procedure is you tell them when it's practical."

BURNETT: "In this case you did it afterwards?"

FIGUERO: "It was not practical because he was resisting."

PAGE 38 PRELIMINARY HEARING

NADY: "You all got out of you car at that point?"

PEREZ: "Yes."

NADY: "Did you say anything to my client?"

PEREZ: "Myself and my partner, we stop the other defendant, Goldfaden,
and my other partner stopped Mr. Henry."

NADY: "They were placed under arrest?"

PEREZ: "Yes."

NADY: "Did you say anything to my client?"

PEREZ: "When I went to assist my other partner, I told the defendant to stop resisting."

NADY: "Prior to that, you didn't say anything to my client?"

PEREZ: "No, because I was with the other defendant."

NADY: "But at that point he was not free to leave?"

PEREZ: "No."

49. Defendants FIGUERO and PEREZ never identified themselves as police officers. When it's convenient for defendants to say HENRY was with this individual talking, touching, and walking they say it. Now defendants show that HENRY (plaintiff) was solo because defendants FIGUERO and PEREZ now created distance that was always there. Mr. HENRY was nowhere near GOLDFADEN. PEREZ and FIGUERO use the illusion of HENRY being in a hand to hand just to justify defendant PEREZ rocketing toward HENRY and banging his head into the "wall" of the United Cerebral Palsy (UCP) building, across from 254 WEST 154TH STREET. The third bang to the right side of plaintiff's head caused him to be knocked unconscious and more vulnerable (HENRY loss consciousness). Attorney ERIN NADY made a point of the above issue at the PRELIMINARY HEARING.

PAGE 9 PRELIMINARY HEARING

FIGUERO: "Well he was holding something in his fist. He wouldn't let me cuff him. He wouldn't open his fist. He was trying to put something in his pocket. I was trying to pull it out. Three bags of crack fell out."

PAGE 30 PRELIMINARY HEARING

CLARKE: "Eventually he was cuffed?"

PEREZ: "When I went to assist, yes, we cuffed him."

CLARKE: "What transpired after that?"

PEREZ: "After that --"

CLARKE: "What did you observe, if anything?"

PEREZ: "After that, he dropped three bags of crack on the floor."

FELONY COMPLAINT 8/19/16 14:57

PEREZ: "I am informed by Officer Figuero that he observed a total of three (3) small plastic bags each containing a white rocky substance fall from HENRY's shorts during this struggle."

PAGE 39 PRELIMINARY HEARING

PEREZ: "When we tried to cuff the defendant two bags fell on the ground, and then another fell on the ground, so PO Figuero recovered the drugs."

CASE SEARCH - ARREST INFO SHEET

PEREZ: Occurrence Location "70 MACOMBS PLACE HARLEM RIVER HOUSES WEST 151 STREET
MANHATTAN NY"

Arrest Narrative "AT T/P/O DEFT. WAS OBSERVED IN HAND TO HAND EXCHANGE WITH
ANOTHER APPREHENDEDPREP. SILA 12 BAGS AND 1 LARGE CRACK ROCK
WERE RECOVERED FROM DEF POSSESSION UPON CONDUCTING AN AUTHORIZED
STRIP SEARCH AT THE PCT."

50. Defendants FIGUERO and PEREZ create a fabrication orally and in documentation by reinventing their story every chance they get. PEREZ and FIGURERO once again do it when it's convenient. Through the whole PRS Preliminary Hearing PEREZ and FIGUERO do not mention the "United States currency" (Felony Complaint 8/19/16 14:57). The defendants figured it would not be convenient and instead made this story about three bags in a fist,

falling before and after HENRY was cuffed. First PEREZ is informed then he (PEREZ) witnesses. If PEREZ, CARRERO, and FIGUERO already seen a transaction why does HENRY need these "three (3)" in his fist, his shorts, his pockets, before and after cuffs are already applied dropping from his hand. Defendants had no grounds to believe that HENRY had committed a crime. It just does not add up to a lawful search or arrest. Constitutional Rights are a joke to defendants. Defendants even changed the address of the incident. To make it look like it happened in HARLEM RIVER HOUSES (projects) would make it look more convenient because that would make it look like HOUSING BUREAU PSA 6 officers where patrolling their jurisdiction; instead, defendants were stalking, striking, and sodomizing HENRY. It's do what you got to make it stick (charges) to Mr. HENRY because we already knocked him out and sodomized him. When defendants found out they were being recorded doing the wrong thing, it was only one option and that was to get rid of Mr. HENRY's SUV. Defendant HERNANDEZ authorized a strip search after the SUV was searched.

PAGE 19-20 PRELIMINARY HEARING

FIGUERO: "I stopped your client, and my partner went to the other guy, the other person."

NADY: "He's placed into custody. Did he have any injuries?"

FIGUERO: "He went to the hospital. He said he had injuries."

NADY: "Did you ride with him to the hospital?"

FIGUERO: "No."

NADY: "Did an ambulance pick him up?"

FIGUERO: "Yes."

NADY: "You waited with him while you waited for the ambulance?"

FIGUERO: "I was in the cell with him."

BURNETT: "In the cells?"

FIGUERO: "Yes."

BURNETT: "You already got to the precinct?"

FIGUERO: "We brought him to the precinct. The ambulance went to the precinct."

NADY: "What were his injuries?"

FIGUERO: "I don't know."

NADY: "Was he bleeding?"

FIGUERO: "I don't recall."

NADY: "did he complain of pain to you?"

FIGUERO: "Not to me. He was complaining saying he wanted an ambulance."

NADY: "Did you search him at the scene?"

FIGUERO: "No."

PAGE 21-22 PRELIMINARY HEARING

NADY: "You indicated you were in the cell waiting with him?"

FIGUERO: "Yes."

NADY: "Was this prior to the hospital or after the hospital?"

FIGUERO: "Prior."

NADY: "At what point did the ambulance arrive?"

FIGUERO: "I think they arrived within the same time. "

NADY: "The same time as what?"

FIGUERO: "As your client."

NADY: "So he's taken to the hospital how soon after he arrives at the precinct?"

FIGUERO: "I don't remember the exact time. I would say 15, 20 minutes."

NADY: "Did you arrive to the precinct before him?"

FIGUERO: "Yes."

NADY: "How many minutes before?"

FIGUERO: "Probably five minutes."

NADY: "He was escorted out of the car into the precinct?"

FIGUERO: "Yes."

NADY: "Did you observe him right away?"

FIGUERO: "At the precinct?"

NADY: "Yes."

FIGUERO: "I saw him when he walked in."

NADY: "Did he have any visual injuries then?"

FIGUERO: "I don't recall."

PAGE 39, 40 PRELIMINARY HEARING

NADY: "Once he's cuffed, do you place him in the vehicle?"

PEREZ: "Afterwards, yes."

NADY: "Did you place him in the vehicle?"

PEREZ: "Not me."

NADY: "Who placed him in the vehicle?"

PEREZ: "It was PO Pimentel (sic) and PO Hernandez."

NADY: "While you were at the scene, did you speak to him at all about any injuries he sustained?"

PEREZ: "Because I took the other defendant, me and my partner took Goldfaden to the precinct."

NADY: "Did you see him bleeding?"

PEREZ: "No, ma'am."

NADY: "Did you hear him request an ambulance?"

PEREZ: "Afterward they told me that they called an ambulance for him."

NADY: "Do you know what the ambulance was called for?"

PEREZ: "Supposedly he said that it was his wrist."

PAGE 42 PRELIMINARY HEARING

NADY: "How long would you say it was before you got to the precinct?"

PEREZ: "Like ten minutes after."

NADY: "Ten minutes?"

PAGE 44 PRELIMINARY HEARING

BURNETT: "Officer Perez, where were you as well as Mr. Henry when the ambulance was called?"

PEREZ: "When we approached the defendant, the car that we drove was stopped in traffic, so we put the defendant in the car. We took the other defendant to the precinct."

BURNETT: "Where were you when the ambulance was called?"

PEREZ: "We were already in the precinct."

FELONY COMPLAINT 8/19/16 14:57

PEREZ: "After the above-described events, I observed HENRY get into the back seat of a marked NYPD RMP. I am informed by Police Officer Carlos Pimentel, Shield# 07608 of Housing Bureau PSA 6, that after arriving at the precinct, he recovered one (1) small plastic bag containing a white rocky substance from the area where HENRY was seated, that no other individuals were seated, that no other individuals were seated in that area with HENRY, and that Officer Pimentel did not observe said plastic bag prior to HENRY being placed in the RMP.

I am informed by Officer Pimentel as well as Police Officer Carlos Thomas, Shield# 21295 of the Housing Bureau PSA 6, that they recovered a total of (8) small plastic bags each containing a white rocky substance from the holding cell in which HENRY was placed after arriving at the precinct, that no other individuals were in the cell with HENRY, and that they did not observe said plastic bags prior to HENRY being placed in the cell.

I am informed by Police Officer Juan Carrero, Shield# 00160 of the Housing Bureau PSA 6, that pursuant to a search of HENRY's person at the precinct, he recovered one (1) large white rocky substance wrapped in plastic."

51. Defendant FIGUEROE testifies to being "in the cell with him"; however, PEREZ wrote in the Felony Complaint over 12 hours after the arrest, "that no other individuals were in the cell with HENRY". In contrast, FIGUEROE even answers "Yes", when asked, "You indicated you were in the cell waiting with him?"; defendant FIGUEROE clearly stated. "I was in the cells with him" and supplied this information before anyone asked about a cell. It is as if defendant PEREZ wrote a false complaint without advising fellow defendants FIGUEROE, CARRERO, PIMENTEL, and THOMAS of his strategy to nail charges to plaintiff HENRY. Defendant PEREZ testifies to placing plaintiff into the vehicle (RMP), then recants because he realizes that he put a "small plastic bag" there in his FELONY COMPLAINT. In contrast, defendant CARLOS PIMENTEL does not state he found any such "small plastic bag" in a back seat of a marked NYPD RMP in his MEMOBOOK. Furthermore, defendants CARLOS THOMAS or CARLOS PIMENTEL wrote no such thing relating to them finding eight "small plastic

bags" inside of the holding cell in their MEMOBOOK's. Defendant PEREZ does not state it in his MEMOBOOK and defendant FIGUERO's MEMOBOOK does not exist. Defendant CARRERO does not express the findings either. PEREZ is planting evidence in his Felony Complaint against HENRY. defendant PEREZ was the defendant pulling HENRY into his knee with force as he loaded HENRY into the marked police car (RMP). HENRY already bleeding from FIGUERO forcing his (HENRY's) head into the UCP wall and knocking HENRY out cold. PEREZ note in various other reports "12 BAGS AND 1 LARGE CRACK ROCK WERE RECOVERED FROM DEF POSSESSION UPON CONDUCTING AN AUTHORIZED STRIP SEARCH" (Case Search - Arrest Info Sheet). There were no grounds to believe that plaintiff had committed any crime; so, defendants created grounds with a fabricated story that just does not add up to trained police work. (EXHIBIT F)

52. PEREZ did not want FDNY EMS (LYNCH and KLEB) to pick HENRY up at the scene because the defendants were out of place and STOP AND FRISKING in the wrong jurisdiction. Moreover, the false story would be hard to put together; at that time there were no grounds to believe that plaintiff had committed any crime. Nonetheless, Hearing Officer Burnett ask PEREZ, "Where were you as well as Mr. Henry when the ambulance was called?", PEREZ tries to change the subject as he did previously. PEREZ losses his cockiness, "When we approach the defendant, the car that we drove was stopped in traffic, so we put the defendant in the car. We took the other defendant to the precinct". Now PEREZ says he put HENRY in the car before he takes the other to PSA 6. FIGUERO says plaintiff walked into the precinct but he was wheelchaired in by EMT's. HENRY was layed out on his stomach in dizziness from PEREZ's knees to the head, while traveling in the marked police car to PSA 6. KLEB and LYNCH (FDNY) help plaintiff into the wheelchair and shackled plaintiff's ankles. Plaintiff is wheelchaired into Housing Bureau PSA 6, and dumped into the holding cell. (EXHIBIT E)

53. Defendants PEREZ, FIGUERO, CARRERO, THOMAS, PIMENTEL, and HERNANDEZ manufactured false document. All defendants that participated in the beating and sodomy of HENRY are sprinkled into the fabricated Felony Complaint, authored by defendant PEREZ; because PEREZ did not want to go down alone for violating the constitutional rights of citizen HENRY. Defendant FIGUERO refused to take credit for the arrest; initially he was the first to violate plaintiff's constitutional rights, but oddly not the arresting officer.

The point is nothing was found on the scene (opposite of 254 W.154th Street). A neighbor called 9-1-1 for FDNY EMS while noticing Mr. HENRY getting jumped by FIGUEROO, CARRERO, and PEREZ. Defendants did not call FDNY EMS to the scene because they were trying to move the scene to "opposite 70 Macombs Place" on 151st Street (NYCHA). When KLEB and LYNCH arrived defendants PEREZ and PIMENTEL scoop up the unconscious plaintiff off the UCP sidewalk and quickly load HENRY into a marked police car; because at the time PEREZ, CARRERO, and FIGUEROO had no ground to believe HENRY committed a crime and defendants had no evidence. The FDNY EMS follow HENRY inside of the police car back to PSA 6 but defendants will not allow it. LYNCH and KLEB (FDNY EMS's EMTs) are forced to wait just outside the cell while defendants continue to violate Mr. HENRY's constitutional rights under the 4th AMENDMENT. LYNCH and KLEB's duty was not to help HENRY because they probably see NYPD do harm to people. CITY workers, look out and/or protect each other. The incident was funny to the FDNY EMT (LYNCH/KLEB). (EXHIBIT D & E)

54. The nearly 13 hour written Felony Complaint and defendant CITY OF NEW YORK's indictment show a decorated deceptive chronology. Defendants could have killed the HENRY FAMILY and just testified under oath, "Supposedly he said that it was his wrist"; and go home to their families and take their children to school. Defendants PEREZ and FIGUEROO deny injuries to HENRY. That still does not add up to the fact multiple HUMAN RIGHTS and CONSTITUTIONAL RIGHTS are expunged from plaintiff on August 18,2016 and so on. Defendants PEREZ, FIGUEROO, CARRERO, HERNANDEZ, THOMAS, and PIMENTEL repeatedly violated HENRY as if CIVIL RIGHTS did not exist in the UNITED STATES. Manhattan is in the UNITED STATES and it leads by example. By being in plain clothes, night time, never identifying self as police officers, never reading HENRY his rights, and "to defer crime before it happens" (ANTI-CRIME UNIT) defendants CITY OF NEW YORK, FIGUEROO, PEREZ, PIMENTEL, CARRERO, THOMAS, and HERNANDEZ violates the RIGHTS OF AMERICAN CITIZEN HENRY. (EXHIBIT E, J, K, & M)

55. Plaintiff is introduced to Private investigator JOHN SCANLAN via JEFFREY A. HORN, Attorney at Law, at or about January 2015. Plaintiff meets with JOHN SCANLAN on or about September 22,2016 at a Bronx County court appearance. HENRY explains some of the things that needed to be investigated in his case involving defendants. SCANLAN worked on a

prior case for HENRY; moreover, SCANLAN had previous knowledge of HENRY's SUV and the VIDEO SURVEILLANCE upgrade (front and rear dash cams). Nonetheless, plaintiff meets with defense attorney PERCY DIEGO GAYANILO, who tries to convince plaintiff he does not need a private investigator. Furthermore, after plaintiff sent GAYANILO the PRS Preliminary Hearing transcript twice GAYANILO advises, "They always lie and they will lie again". "They meaning Defendants PEREZ and FIGUERO. GAYANILO tells HENRY to have his wife (LADONNA D. HENRY) to gather and bring evidence to him. Uncannily, GAYANILO's office does not exist, he only gets mail there. The attorney GAYANILO seemed to be in fear that the Manhattan Judge (ROSS) of Part 23 would not grant any hearings if SCANLAN was hired. SCANLAN concurred he had been hired. Plaintiff knew SCANLAN to work/investigate but nothing happened. GAYANILO blamed it on HENRY that the investigation had not started; but did not feel it was his responsibility to communicate with SCANLAN. No meeting between SCANLAN, GAYANILO, and HENRY ever surfaced. HENRY's research and transcript expressing his rights were violated fell on deaf ears. Seemed to HENRY nobody wanted the truth to come out. Nobody wanted to return his vehicle or be held accountable for abuse. (EXHIBIT A, I, & N)

56. ERIN NADY, the LEGAL AID attorney who represented at the PRS PRELIMINARY HEARING informed HENRY after the SEPTEMBER 23, 2016 minutes (transcript) were obtained she would file a petition (writ). At the next meeting NADY explained since HENRY being held in Manhattan (MDC, 125 white Street, New York County) and not RIKERS ISLAND (Bronx County) she could not file the petition. There was some other situation between 18B and Legal Aid Society regarding who can do what, and who cannot for HENRY (POLITICS); however, NADY advised CITY OF NEW YORK courts are different from the Bronx. The Bronx was where it could be filed. Plaintiff is further informed by NADY that the defendant CITY OF NEW YORK's ADA will not let the defendants PEREZ and FIGUERO testify again at the PRS final Hearing, at RIKERS ISLAND. NADY further advises HENRY that GAYANILO does not return any of her phone calls. (EXHIBIT O)

57. Plaintiff receives a letter dated September 19, 2016, from the CITY OF NEW YORK office of the COMPTROLLER. This missive expresses DEFECTIVE SERVICE, "If you wish to pursue your claim against the City, you may file your Notice of Claim by a proper

method of service within 10 days of this receipt of this letter". Plaintiff sends again, Certified Mail. Plaintiff receives a second letter dated October 4, 2016; Claim No. 2016PI028447 appears. Third letter from ANASTASIA PEREZ, Examiner-Personal Injury division, dated October 5, 2016. Soon after HENRY sends documents requested pertinent to the claim (SS#, DOB, arrest report, PRS Preliminary Hearing transcript, medical records particularly emergency room & ambulance and Precinct). There is no response from Anastasia PEREZ. A forth letter dated October 14, 2016 from Michael HARARY, Esq., Director, Contact Services informs HENRY of "NOTICE OF 50-H HEARING" set to be held December 5, 2016, 9:00am. Prior to the date HENRY contacts MICHAEL HARARY. HENRY explains he is being detained in MDC. HARARY explains that the date could be pushed back until HENRY is released because the hearing could not be held if HENRY is detained at MDC (125 WHITE STREET, NYC). Another date is set for March 1, 2017. A fifth letter is received dated November 28, 2016 with adjournment date expressed prior in the phone call to MICHAEL HARARY. Plaintiff writes a response to the communication from HARARY. HENRY was due to be sentenced in a situation prior to the incident (8/18/16). HENRY also writes ANASTASIA PEREZ (Examiner) to ask could he/she communicate with HARARY regarding the documents sent by plaintiff. No response from PEREZ or HARARY. (EXHIBIT P)

58. As early as August 18, 2016, HENRY (the plaintiff) has tried to obtain his SUV. Moreover, he knew that the video could change the way the GRAND JURY heard the case. First PSA 6 denied HENRY's wife (LADONNA D. HENRY) the keys on August 18, 2016. Plaintiff supplied GAYANILO with "POWER OF ATTORNEY" documents to hand to his wife in court. Credit cards, bank card, PO Box keys, Drivers License, cash for StateFarm Insurance (due 8/21/16), unlocked I-Phone 5 containing personal information (Social Security Cards, Birth Certificates and medical documents) HENRY scanned and stored. These important documents belonged to the HENRY FAMILY (2 adults and 6 children). Plaintiff and wife fears identity thief of documents. Over 2,000 family photos (2012-2016). GAYANILO tell Ladonna D. Henry that he never got the "POWER OF ATTORNEY" document from Mr. HENRY. About a month later GAYANILO mails legal document to plaintiff's wife. The document was dated August 23, 2016 (POWER OF ATTORNEY). HENRY prepares another "POWER OF ATTORNEY" diligently, dated August 25, 2016 and mails it to his wife. LADONNA D. HENRY, is unable to locate her husband's SUV.

Plaintiff prepares another "POWER OF ATTORNEY" dated October 1, 2016, now giving JAMES CHARLESTON powers. HENRY obtains a NOTICE, DEMAND AND VOLUNTARY DISCLOSURE FORM dated September 8, 2016, which does not list HENRY's SUV as existing property obtained from HENRY. GAYANILO explains: "Maybe the ADA will add it later". That made no sense to HENRY. If Defendants FIGUERO and PEREZ took the keys the vehicle should be listed. Defacto, it would never be listed, because it shows the truth and solidifies HENRY's story of abuse and observation. Nonetheless, GAYANILO was not enthused about none of HENRY's evidence. In contrast, ERIN NADY was enthused and a true officer of the court. HENRY explains to GAYANILO that the VIDEO SURVEILLANCE will be non-existent by then and GAYANILO should stop allowing evidence to be hidden. (EXHIBIT Q)

59. Plaintiff HENRY, while detained sent two PROPERTY RELEASE AUTHORIZATION forms to two different individuals in March 2017; to go to 1 POLICE PLAZA (10038) and/or 100 Centre Street (10013) and recover his cell phone and 2008 CHEVY SUBURBAN LTZ 1500, with the keys. None of these items were recovered. Defendants PEREZ, CARRERO, FIGUERO, THOMAS, PIMENTEL, and HERNANDEZ were the last to be in possession of the keys. (EXHIBIT Q)

60. In the nearly thirteen hours PEREZ was writing the report (FELONY COMPLAINT), the defendant (PEREZ) probably toys with sprinkling drugs into plaintiff's SUV, but it was not in the budget without a warrant; moreover, if it took nearly thirteen hours PEREZ did not know what to do. PEREZ reviewed the SUV VIDEO SURVEILLANCE. In fact, the SUV was "EVIDENCE" within the first one to twelve hours of arrest but what really happened. There was plenty of time to list accessories of plaintiff but defendant PEREZ refused to list. There is no history of any car keys in any of defendant CITY OF NEW YORK employees defendant paperwork. Defendants fake observe everything, but Mr. HENRY's keys and SUV just vanished. Where is the due process of taking HENRY's property, especially if by having the property could clear plaintiff's name, a name defendants feel is not connected to citizen. LEVAR T. HENRY now believed the CITY OF NEW YORK would not investigate the CITY OF NEW YORK or make the CITY OF NEW YORK work against the CITY OF NEW YORK. GAYANILO who was hired by defendant CITY OF NEW YORK to represent Mr. HENRY would not bring to light the violation of HENRY's RIGHTS or push to spend CITY OF NEW YORK money to prove the violation. (EXHIBIT A, H, & R)

61. Defendants CITY OF NEW YORK, PEREZ, FIGUERO, THOMAS, CARRERO, PIMENTEL, and HERNANDEZ have the duty to protect the property of an arrested person. The defendants must inventory the property, and prepare a receipt. In this case plaintiff HENRY was not looked upon as an arrested person because defendants believe Mr. HENRY has no CONSTITUTIONAL RIGHTS; therefore, by video recording the misconduct of HOUSING BUREAU POLICE SERVICE AREA 6 defendants that act under the color of state law, plaintiff HENRY was railroaded physically, mentally, spiritually, and financially. HENRY could not defeat the MACHINE (defendant CITY OF NEW YORK).

62. Late December 2016 HENRY gets a legal visit from Sgt. LISS and a partner at 125 White Street, NYC (MDC). Sgt. LISS is an IAB GROUP #10 officer who is employed by defendant CITY OF NEW YORK. It had been nearly six months since HENRY heard or saw an IAB officer/investigator. Plaintiff's case was neglected and now passed over to this Sgt. who was very disrespectful about the incident. Sgt. LISS insist and demanded HENRY tell him how PEREZ, FIGUERO, and CARRERO knocked him out and entered him (sodomy). Is seemed to HENRY, IAB was not serious about the complaint. Nothing had been investigated. From August-December, nobody had spoken to HENRY's wife or witnesses. Mark NOEL, Amanda BROWN, KLEB, LYNCH, the phone video of the scene going around the neighborhood (that plaintiff's son can quote) and the footage from the SUV property of HENRY. IAB refused to investigate and it truly scared HENRY. Moreover, the Omniform System (Arrest Report) should have alerted IAB, because it list (page 3 of 3) plaintiff "refused" a phone call. Plaintiff would have easily informed his wife to come pick up his property. Fortunately, LADONNA D. HENRY showed up at PSA 6 anyway, but defendants refused to turn it over. defendant PEREZ also indicates "No" FORCE USED. Mr. HENRY only refuses to not let the unprofessionalism of IAB employed by defendant CITY OF NEW YORK stop him from filing LEVAR T. HENRY v. CITY OF NEW YORK et al., 17CV03450 (JGK)(SDA), PRO SE, in the SOUTHERN DISTRICT OF NEW YORK.(EXHIBIT S)

63. There was no legal cause to justify the stop, detention and/or arrest plaintiff or the institution of charges against plaintiff.

64. There was no legal cause to justify the use of force against plaintiff, and the

force used against plaintiff was unreasonable and excessive.

65. At all times relevant to this Complaint, the conduct of defendants CITY OF NEW YORK, PEREZ, FIGUEROO, CARRERO, THOMAS, PIMENTEL, and HERNANDEZ was in willful, reckless, and callous disregard of plaintiff HENRY's rights under federal and state law.

66. As a direct and proximate result of the conduct of all defendants, plaintiff suffered and continues to suffer physical and psychological harm, pain and suffering, some or all of which may be permanent, and financial losses.

CAUSE OF ACTION

COUNT I

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

67. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution to be free from unlawful arrest, the unlawful use of force, and malicious prosecution.

COUNT II

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

68. The violations of plaintiff's constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution, plaintiff's damages, and the conduct of the individual defendants were directly and proximately caused by the actions and/or inactions of defendant CITY OF NEW YORK, which has encouraged, tolerated, ratified, and has been deliberately indifferent to the following policies, patterns, practices, and customs, and to the need for more or different training, supervision, investigation, or discipline in the areas of:

- a. Legal cause to stop, detain, arrest, and criminally charge a citizen;
- b. The use of force by police officers;
- c. The proper exercise of powers, including but not limited to the making of an arrest, the use of force, and the bringing of criminal charges;
- d. The monitoring of officers whom it knew or should have known were suffering from emotional and/or psychological problems that impaired their ability to function as officers;
- e. The failure to identify and take remedial of disciplinary action against police officers who were the subject of prior civilian or internal complaints of misconduct;
- f. Police officers' use of their status as police officers to employ the use of force or to achieve ends not reasonably related to their police duties;
- g. The failure of police officers to follow established policies, procedures, directives, and instructions regarding arrest, the use of force, and the institution of criminal charges under such circumstances as presented by this case;
- h. The failure to properly sanction or discipline officers who are aware of and conceal and/or aid and abet violations of constitutional rights of citizens by other New York City police officers; and
- i. These practices among New York City police officers of instituting false charges against individuals from instituting civil claims.

COUNT III

LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,

RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL,

CARLOS THOMAS, and CHRISTAIN HERNANDEZ

FEDERAL CONSTITUTIONAL CLAIMS

69. The violations of plaintiff's constitutional rights under the Fourth and Fourteenth Amendments to the U.S. Constitution, plaintiff's damages, and/or the conduct of the individual defendants were directly and proximately caused by the actions and/or inactions of defendant CITY OF NEW YORK, which has encourages, tolerated, ratified and has been deliberately indifferent to the following policies, patterns, practices and customs and

to the need for more of different training, supervision, investigation or discipline in the areas of:

- a. Legal cause to stop, detain, and/or arrest a citizen;
- b. Police officers' duties and responsibilities to engage in proper investigation techniques;
- c. Police officers' constitutional duties to disclose the prosecution exculpatory information;
- d. The hiring and retention of officers who are unqualified for their employment position; and
- e. The failure to properly sanction or discipline officers who are aware of and conceal and/or aid and abet violations of constitutional rights of citizens by other New York City police officers.

COUNT IV

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

70. Defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUERO, JUAN CARRERO, CARLOS THOMAS, CARLOS PIMENTEL, and CHRISTAIN HERNANDEZ, acting jointly and in concert and conspiracy, fabricated evidence based on nothing thereby violating plaintiff's rights to a fair trial and due process of law under the Fourteenth Amendment to the U.S. Constitution.

71. Defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUERO, JUAN CARRERO, CARLOS THOMAS, CARLOS PIMENTEL, and CHRISTAIN HERNANDEZ, acted jointly and in concert and conspiracy and with malice, caused the institution of false charges against plaintiff thereby subjecting plaintiff to a malicious prosecution in violation of plaintiff's rights under the Fourth and Fourteenth Amendment to the U.S. Constitution.

72. Defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUERO, JUAN CARRERO, CARLOS THOMAS, CARLOS PIMENTEL, and CHRISTAIN HERNANDEZ, acting jointly and in concert and conspiracy, failed to disclose exculpatory information to the prosecution as required under Brady v. Maryland and its progeny thereby violating plaintiff's rights to a fair trial and due process of law

under the Fourteenth Amendment to the U.S. Constitution.

COUNT V

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

72. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Fifth Amendment to the United States Constitution, no person shall be deprived of life, liberty, or property, without due process of law.

COUNT VI

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

73. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Fifth Amendment to the United States Constitution, nor shall private property be taken for public use, without just compensation.

COUNT VII

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

74. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Fourth Amendment to the United States Constitution, to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported

by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

COUNT VIII

LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ.

RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL,

CARLOS THOMAS, and CHRISTAIN HERNANDEZ

FEDERAL CONSTITUTIONAL CLAIMS

75. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Sixth Amendment to the United States Constitution, in all criminal prosecutions, the accused shall enjoy the right to a speedy trial and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have the Assistance of Counsel for his defence.

COUNT IX

LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,

RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL,

CARLOS THOMAS, and CHRISTAIN HERNANDEZ

FEDERAL CONSTITUTIONAL CLAIMS

76. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Fifth Amendment to the United States Constitution, no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.

COUNT X

LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,

RANDYS FIGUERO, JUAN CARRERO, CARLOS PIMENTEL,

CARLOS THOMAS, and CHRISTAIN HERNANDEZ

FEDERAL CONSTITUTIONAL CLAIMS

77. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Eight Amendment of the United States Constitution, excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

COUNT XI

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

FEDERAL CONSTITUTIONAL CLAIMS

78. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ violated plaintiff's rights under the Fourteenth Amendment of the United States Constitution, all persons born or naturalized in the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

COUNT XII

**LEVAR T. HENRY v. CITY OF NEW YORK, GARY PEREZ,
RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL,
CARLOS THOMAS, and CHRISTAIN HERNANDEZ**

STATE LAW CLAIMS

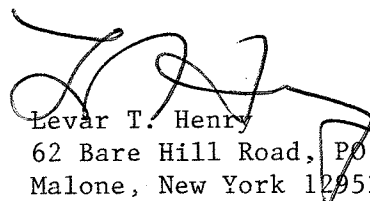
79. The actions of defendants CITY OF NEW YORK, GARY PEREZ, RANDYS FIGUEROO, JUAN CARRERO, CARLOS PIMENTEL, CARLOS THOMAS, and CHRISTAIN HERNANDEZ constitute the torts of negligence, assault, battery, false arrest, false imprisonment, and malicious prosecution under the laws of the State of New York.

Wherefore, plaintiff respectfully requests:

- A. Compensatory damages as to all defendants \$10,000,000 (TEN MILLION DOLLARS ZERO CENTS);
- B. Punitive Damages as to defendants Gary Perez, Randys Figuereo, Juan Carrero, Carlos Pimentel, Carlos Thomas, and Christain Hernandez: \$60,000,000 (SIXTY MILLION DOLLARS ZERO CENTS);
- C. Reasonable attorneys' fees and cost;
- D. Such other and further relief as may appear just and appropriate.

Plaintiff Levar T. Henry demands a jury trial.

Dated: November 2, 2018


Levar T. Henry
62 Bare Hill Road, PO Box 10
Malone, New York 12953-0010

HENRY - against - CITY OF NEW YORK et al.,

EXHIBITS TABLE OF CONTENTS

- EXHIBIT A : POSSIBLE WITNESSES LIST
- EXHIBIT B : MEDICAL - HARLEM HOS., MDC, RIVERS ISLAND
- EXHIBIT C : GRAND JURY REQUEST (NOTICE), NOTICE OF MOTION
- EXHIBIT D : PERSONAL INJURY CLAIM FORM
- EXHIBIT E : CAD INCIDENT
- EXHIBIT F : NYPD MEMOBOOKS
- EXHIBIT G : NOTICE OF VIOLATION
- EXHIBIT H : FELONY COMPLAINT 8-19-16 14:57, ARREST NOTE, LAW
- EXHIBIT I : INDICTMENT 9-13-16 PART 21
- EXHIBIT J : PRS PRELIMINARY HEARING, REALITY MAP (LOCATION)
- EXHIBIT K : PLAINTIFF ASSOCIATION (KSAO's)
- EXHIBIT L : CASE SEARCH - ARREST INFO SHEET
- EXHIBIT M : HENRY UD
- EXHIBIT N : NETWORK VIA HORN, ESQ.
- EXHIBIT O : ATTORNEY INFORMATION
- EXHIBIT P : CITY OF NEW YORK COMPTROLLER OFF. COMMUNICATION
- EXHIBIT Q : POWERS, AUTHORIZATION, VDF, DMV
- EXHIBIT R : PROPERTY RECEIPTS
- EXHIBIT S : NYPD OMNIFORM SYSTEM - ARREST, LISS NOTE

EXHIBIT A

INTERROGATORIES RESPONSE

Below are witnesses that Levar T. Henry plans to call to testify regarding SUV Front and Back Video Surveillance Equipment:

1. Mrs. Ladonna D. Henry, 272 West 154th Street, #5B, NY, NY 10039 (Black Female)
2. Ms. Yvonne Miller, 2065 Grand Concourse, BX, NY 10453. (Black Female)
3. Mr. James Charleston, BX, NY (Black Male)
4. Mr. John Scanlan, 914-424-0658, PO BOX 149, BX, NY 10470 (White Male, Private Inv.)
5. Mr. Ed Stevenson, Mt. Vernon, NY 10552 (Black Male)
6. Jaedon L. Linzy (Step-son), 247 West 145th Street, #6A, NYC 10039 (Black Male)
7. Levar T. Henry Jr. (son), 247 West 145th Street, #6A, NYC 10039 (Black Male)
8. Ms. Meaghan Gerig, BX, NY 10452 (White Female)
9. Ms. Chyanne Lee, NY, NY (Black Female)
10. Mr. Bradley Littles, BX, NY (Black Male)
11. Ms. Jhamira Jenkins, 2991 8th Avenue, NY, NY 10039 (Black Female)
12. Mr. Ernest Gould, Polo Grounds, Harlem, NY 10039 (Black Male)
13. Mr. Ervin, 272 West 154th Street, NY, NY 10039 (Black Male)
15. Ms. Marquita Holloway, BX, NY (Black Female)
16. Mr. Jermaine Stevenson, S.C. (Black Male)
17. Ms. Amanda Brown, NY, NY 10039 (Black Female)

EXHIBIT B

4

Page 1 of 2

Patient Discharge Instructions

Harlem Hospital Center
506 Lenox Avenue
New York, NY 10037

Date/Time: Fri 08/19/2016 09:59

Patient Name: Henry, Levar
MRN: 1523820

Attending Physician: Ravikala Puttamadu, MD

Provider: Ravikala Puttamadu, MD

Diagnosis: Other psychoactive substance dependence, uncomplicated

Tests Performed: Abdomen DX, Brain CT WO Contr, Abdomen & Pelvis CT WO Contr

Procedure(s): utex, ct, surgery consult, meds

You are being discharged Discharged to Home or Self Care Emergency Department.
Your Emergency Department provider, Ravikala Puttamadu, MD, wants you to receive additional care. Please make all follow up appointments for the Clinic with the ED Registration Clerk or contact your primary doctor as directed.

Remember to take your medications, including new prescriptions, as instructed today by your Emergency Department provider. Please review the medications detailed on the Medication Reconciliation page provided to you.

Your ED Provider's Instructions:

MOTRIN FOR HEADACHE AND BACK PAIN AS NEEDED. STOP USING DRUGS, FOLLOW UP WITH PMD FOR FURTHER EVALUATION.

If your symptoms are not improving or begin worsening or IF WORSENS- PAIN, FEVER, COUGH, VOMITING, WEAKNESS, FALLS, PASSING OUT, DIFFICULTY BREATHING, PARALYSIS, OTHERS, contact your primary care provider.

If you believe that it is an emergency, immediately return to the Emergency Department or call 911.

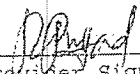
If you have any questions, feel free to ask your Emergency Department provider before you leave.

Thank you for visiting the Harlem Hospital Medical Center Emergency Department.

Patient/Guardian Signature

I have received and understand these instructions.

All of my questions have been answered.



Physician/Provider Signature

I have reviewed these instructions with the patient.

⑥

Henry, Levar
DOB: 02 Nov 1977:38Y/M
MR# 1523820-2

FALL RISK

Harlem Hospital Center
506 Lenox Avenue
New York, NY 10037

- Medical Director

ED Provider Progress Note

Henry, Levar
Age: 40Y M
Requested By: ,

EP/DIS-EP
Height: in.

MRN: 1523820
Weight: lbs
Test Date: 19 Aug 16

Fri, 19Aug 0458 ED Provider Progress Note

Status: complete

Provider : Ryan Scanlan, PA
Attending : Johanne Benjamin, MD
Method of Communication :

Informant : patient
Method of Communication:

Working Diagnosis : Acute post-traumatic headache, not
intractable
Note : 1 cm superficial left forehead lac
Wound cleaned out with normal saline
Iodine applied
Closed with dermabond

Ryan Scanlan, PA (19 Aug 16 0459)



D 00150

9 Jun 18 0931

Page 1 of 2

Harlem Hospital Center
506 Lenox Avenue, New York, NY 10037
Radiology Department

Patient: Henry, Levar MRN-V#: 1523820-2 DOB: 11/02/77 Age: 40Y Sex: M

Location: 000 Adult Emergency

Order Author: Ryan Scanlan, PA

DOS: 19 Aug 16 0732 Accession #: 8223335
Abdomen & Pelvis CT 1. Without Contrast

INDICATIONS

possible swallowed drug packets

Final Report

Examination: CT of the abdomen and pelvis without oral and intravenous contrast.

Clinical indication: Possible swallowed drugs packets.

Technique: Helical CT scanning of the abdomen and pelvis was displayed in the axial plane using contiguous 5 mm slices without oral and intravenous contrast administration. Sagittal and coronal reconstructions were provided.

Comparison: None.

Findings:

The lung bases are clear. There are no pleural effusions.

Evaluation of the solid abdominal viscera is limited due to the lack of intravenous contrast.

The liver, gallbladder, adrenal glands, pancreas and spleen appear unremarkable.

The kidneys are symmetric in size. There is no hydronephrosis. There are no renal calculi. There are no contour-deforming renal masses.

Evaluation of the gastrointestinal tract is limited by the lack of oral contrast.

There is a loop of proximal jejunum which is thickened which contains omental fat centrally which appears to be telescoping into an adjacent jejunal loop consistent with a transient intussusception. There is no evidence of bowel obstruction, adjacent fluid collection, or adjacent inflammatory changes of the mesentery.

There is no overt evidence of foreign bodies within the gastrointestinal tract.

This report is reviewed, interpreted and electronically signed by
Rahim Kanji, MD on .



D 00151

Harlem Hospital Center
506 Lenox Avenue
New York, NY 10037

- Medical Director

ED Provider Initial Note

Henry, Levar
Age: 40Y M
Requested By: .

EP/DIS-EP
Height: in.

MRN: 1523820
Weight: lbs
Test Date: 19 Aug 16

Fri, 19Aug 0135 ED Provider Initial Note

Status: complete

Time Patient Seen : 19Aug2016 0135
Provider : Ryan Scanlan, PA
Attending : Johanne Benjamin, MD
Preferred Language : English
Informant : patient
Communication :

Method of Communication: Direct Communication in Patient's Preferred Language

ESI
HPI

: 3
: 38 y/o male with unknown pmhx presents w/
NYPD after police found drug bags in his
rectum. Pt denies putting drugs in his
rectum. Denies consumption of etoh or illicit
substances. Reports that the police slammed
his head against a wall and he lost
consciousness. Uncertain of how long. Denies
motor-sensory defs / paresthesias. Pt also
reports being kned in the chest multiple
times by please - now has diffuse torso pain.
Denies cp, palps, dyspnea. Reports pain in
the rectum that began after examination of
rectal cavity by police.

RoS

Constitutional: Denies fever, chills,
nightsweats, weight loss
Eyes: Denies blurred vision
HENT: Denies headache, hearing loss,
rhinorrhea, sore throat, dysphagia
Neck: Denies lymphadenopathy
Resp: Denies dyspnea, wheezing
Cardiac: Denies chest pain, palpitations
GI: Denies nausea, vomiting, diarrhea,
constipation, abd pain
GU: Denies dysuria, discharge
MS: Denies arthralgias, unsteady gait



D 00155

9 Jun 18 0931

Page 2 of 3

Harlem Hospital Center
Event Result Report
ED Triage Note

Name: Henry, Levar Visit #: 1523820-2 SMS #: 23115238207
DOB: 11/02/1977 Age: 40Y Sex: M Attend MD: Verma, Rajesh, MD (830166)
Location: Adult Emergency - 000
Thu, 18Aug 2318 ED Triage Note Status: complete
Triage Time : Thu, 18 Aug 2016 2318
Life Saving Intervention?: no
High Risk? : no
Arrived By : ambulance
Accompanied By : EMS NYPD
Preferred Language : English
Method of Communication :

Method of Communication: Direct Communication in Patient's Preferred Language

Informant : patient
Chief Complaint : BIBEMS Post arrest
Vital Signs :

Temperature : 97.9 F (36.6 C) Route: oral
Blood Pressure : 108/62 mmHg
Pulse : 86 bpm
Respirations : 16
O2 Sat : 96 %

Suspected Infection? : no
Alteration of Mental Stat: no
Pain Score : 6
High Risk Status : No
Resources : many
Danger VS? : no
ESI : 3
Allergy/ADR :

Document Allergies/ADR:
Medication Allergy : No Known Med Allergies

Medication History : not taking meds including herbals and over-the-counter.
Past Medical History : no significant history
Previous ED Visits : 2/28/2007
Suspected Abuse? : no
Fall Risk :

Fall Risk Indicators: difficulty ambulating
Fall Prevention Plan: Fall Prevention Plan Initiated

Suicide Screen :

Columbia Suicide Screen : Mental Status: alert and oriented In the



D 00159

9 Jun 18 0931

Page 3 of 3

Harlem Hospital Center
Event Result Report
ED Triage Note

Name: Henry, Levar Visit #: 1523820-2 SMS #: 23115238207
DOB: 11/02/1977 Age: 40Y Sex: M Attend MD: Verma, Rajesh, MD (830166)
Location: Adult Emergency - 000
Thu, 18Aug 2318 ED Triage Note -- cont'd

past month, have you wished you
were dead or wished you could go to
sleep and not wake up?: no In the
past month, have you actually had
any thoughts of killing yourself?:
no Have you ever done
anything, started to do
anything/prepared to do anything to
end your life?: no

Behavioral Screen
Assessment

: cooperative, calm
: Alert and oriented person, place and time
Glasgow Coma Scale 15 Moves all extremities
No acute distress Patient BIBEMS after being
arrested. While in custody, patient had drugs
removed from his rectum in NYPD. Patient
states he was then assaulted by NYPD. Patient
c/o rectal pain, bilateral shoulder pain and
back pain. Patient noted with laceration to
left eyebrow with mild swelling, abrasion to
right elbow and left wrist. Bilateral arms
tender to touch. Patient with shackles to
bilateral ankles and handcuffs to right
wrist. Handcuffed face down on the bed.

Restraints

: Patient brought in to ED in handcuffs. (Note:
All pts in handcuffs must be seen by Medical
ED before going to CPEP)

Triaged To

: Medical ED

Rapid HIV

: Not Offered

Synthetic Cannabinoid Use: no

(18 Aug 16 2322)

Otoo, Brittny, RN (ESOF)



D 00160

Harlem Hospital Center
506 Lenox Avenue
New York, NY 10037

- Medical Director

General Surgery Consult

Henry, Levar
Age: 40Y M
Requested By: Sharma, Shruti, MD

EP/DIS-EP
Height: in.

MRN: 1523820
Weight: lbs
Test Date: 19 Aug 16

Fri, 19Aug 0409 General Surgery Consult

Status: complete

Systolic BP :
Diastolic BP :
Pulse :
Respiration :
Temperature : 97.9
Consult Type : diagnostic
Request : New
Referring MD : Hector Depaz, MD
Referral Problem : Acute post-traumatic headache, not intractable
Reason for Consult : foreign body rectum
Current Meds : Tdap 11-64y (Adacel) Vaccine;
Consultant Findings : CC he was assaulted by NYPD. while in custody, patient had drugs removed from his rectum c/o rectal pain, bilateral shoulder pain and back pain

Hpi : Pt is a 38 yo man who was in NYPD custody and was noted to be in possession of drugs. As per police , when they found out pt had drugs , he put drug bags in his rectum . However pt denies. He is c/o pain and itching in is his rectum, had a large bowel movement in ED. He states that he was assaulted by NYPD , punched in his face and head , sustained a small bruise /laceration over forehead. ? LOC, no headache , neck pain , chest pain , abdominal pain , weakness or numbness . CT obtained in negative for any injury The ED physician removed a bag of drugs from his undergarments but did not find any object on rectal exam . However pt with highly un cooperative with exam
AXR was the obtained which shows questionable foreign body ? gentilia
Surgery asked to evaluate



Harlem Hospital Center
506 Lenox Avenue
New York, NY 10037

- Medical Director

General Surgery Consult

Henry, Levar
Age: 40Y M
Requested By: Sharma, Shruti, MD

EP/DIS-EP
Height: in.

MRN: 1523820
Weight: lbs
Test Date: 19 Aug 16

Fri, 19Aug 0409 General Surgery Consult -- cont'd
IMPRESSION:

5.3 x 4.5 cm dense structure at the mid lower
pelvis, likely genitalia.

However, rectal foreign body cannot be
excluded.

Correlate clinically.

Ct BRAIN : No evidence of mass,
hydrocephalus, acute intracranial hemorrhage,
abnormal extra-axial fluid collection, or
obvious cortical infarct in the brain.

A:? foreign body in rectum

Plan :

Please get CT abdomen /pelvis without oral
contrast

ADDENDUM Dr. Sarosh Khan 8/19/2016 10:27 AM
Abdomen and pelvis CT

1. Telescoping of proximal jejunal loop into
the adjacent jejunum consistent with
transient intussusception. Correlate
clinically.
2. No visualization of foreign bodies.

CDW Dr. Depaz
No radiological evidence of foreign body
No acute surgical intervention at this stage
F/Up in Surgery Clinic

Consultant Diagnosis

: Acute post-traumatic headache, not
intractable



Harlem Hospital Center
506 Lenox Avenue
New York, NY 10037

- Medical Director

General Surgery Consult

Henry, Levar

EP/DIS-EP

MRN: 1523820

Age: 40Y M

Height: in.

Weight: lbs

Requested By: Sharma, Shruti, MD

Test Date: 19 Aug 16

Fri, 19Aug 0409 General Surgery Consult -- cont'd

Other psychoactive substance dependence,
uncomplicated

Resident

: Shruti Sharma, MD

Attending

: Hector Depaz, MD

Attending Attestation

: I have reviewed the history, exam, assessment
and plan of the Resident/Fellow.

Attending Note

: Surgical consult placed to rule-out rectal
foreign body.

Patient complained of pain in anus.

On examination patient noted to be afebrile.

Left forehead laceration sutured in ED.

DRE: not done (patient refused).

CT scan abdomen and pelvis showed transient
jejunal intussusception but no foreign body.

Patient is for follow-up in clinic.

Level of Service/E&M

: 99251 INITIAL INPATIENT CONSULT NEW/ESTAB PT

20 MIN

Hector Depaz, MD (19 Aug 16 1849)

NYSID: 07839962Z **BookCase:** 3491609157

HENRY, LEVAR

272 WEST 154TH ST, 5B, 1B, NEW YORK, NY 10039

DOB: 11/02/1977 **Age:** 40 Y **Sex:** Male

Home:

Work:

Cell:

Email:

Advance Directive:

Primary Insurance: Medicaid

PCP:

Account Number: 29547

Allergies: N.K.D.A

Medical History

Active Problem List

Code	Name	Specify	Notes	Added On	Modified On	Modified By
V70.0	ROUTINE MEDICAL EXAM				08/22/2014	Aronov, Alexander
V11.9	HX-MENTAL DISORDER NOS				11/23/2010	Park, Yungdo
F43.21	Adjustment disorder with depressed mood				06/21/2017	Acee, Anna
799.9	Diagnosis deferred				05/17/2017	Vultaggio, Cerissa
913.4	INSECT BITE FOREARM				08/22/2014	Aronov, Alexander
724.5	Backache				08/22/2014	Aronov, Alexander
338.11	Pain due to trauma, acute			08/21/2016	08/21/2016	Grandoit, Jean
784.0	Headache			08/21/2016	09/12/2016	Ogbenna, Edith
780.4	Dizziness and giddiness			08/21/2016	01/19/2017	Rosenthal, Joshua
RI50	SMI - NO			08/25/2016	06/12/2017	Green, Ciara
924.9	CONTUSION NOS			09/07/2016	09/07/2016	Harris, Brenda R
525.9	Toothache			09/12/2016	09/12/2016	Ogbenna, Edith
784.0	Headache			09/15/2016	09/15/2016	Flores-Clemente, Bessie
724.5	Back pain			09/15/2016	09/15/2016	Flores-Clemente, Bessie
700	Callosity			10/10/2016	10/10/2016	Estrada, Yaneth
757.5	NAIL ANOMALIES NEC			10/10/2016	10/10/2016	Estrada, Yaneth
RI301	Dental Class II Restorative and/or Periodontal Treatment Indicated			10/27/2016	10/27/2016	McEachrane, Sandra
RI300	Dental Class I Extractions Indicated			10/27/2016	02/09/2017	Gravesande, Terry
782.0	Numbness			11/03/2016	11/03/2016	Kolla, Sai
728.85	Spasm of muscle			12/07/2016	12/07/2016	Flores-Clemente, Bessie
388.8	DISORDERS OF EAR NEC			12/14/2016	12/14/2016	Gornish, Ira
300.9	Psychiatric situation			12/14/2016	12/14/2016	Gornish, Ira
V62.6	REFUSAL OF TREATMENT	ENT		12/28/2016	02/15/2017	Bernard, Jean-Luc
521.02	DENTAL CARIES - DENTINE			01/10/2017	03/08/2017	Satter, Quazi
307.81	Tension headache			01/18/2017	01/18/2017	Comas, Carole
110.4	Athlete's foot			01/19/2017	01/19/2017	Pantea, Nicholas
536.8	Dyspepsia NOS			01/19/2017	01/19/2017	Pantea, Nicholas
724.5	Low Back Pain			04/19/2017	04/19/2017	Janvier, Jean-Joseph
367.1	Myopia			05/11/2017	05/11/2017	Scholnick, Barry

Summary View for HENRY, LEVAR

Page 1 of 3



Insurance: Medicaid

HENRY, LEVAR

NYSID: 07839962Z BookCase: 3491609157

Facility Code: MDC Housing Area: RR

38 Y old Male, DOB: 11/02/1977

Account Number: 29547

272 WEST 154TH ST, 5B, 1B, NEW YORK, NY-10039

Appointment Facility: Manhattan Detention Center

08/21/2016

Appointment Provider: Justin Wilson, MD

Current Medications**Taking**

- Ibuprofen 400 MG Tablet Total Dose: 400mg Twice a Day with stat dose, stop date 08/26/2016, Drug Source: Pharmacy

Past Medical History

None

Allergies

NKDA

Reason for Appointment

1. Headache, body ache

History of Present Illness**Notes:**

8:00PM Nursing Note: Responded to Emergency in housing area, Stewart LPN, Harris PCA, Wilson MD. Pt found lying prone on bed in cell. Pt complained of a headache, dizziness, and neck pain. Pt placed to sitting position. VS taken as reported below. Pt transported to clinic for further evaluation. SS, LPN

Pt states that he was hit in his head with sticks, he was pushed against the wall. he was taken to Harlem Hospital and had a CT of the head. He was discharged. he states he is still dizzy. He states his pain is ? its soreness. he did get up for lunch. States he did not get up for dinner.

NURSING ROS:

Medicated with 800mg Ibuprofen PO as per stat order @8:23pm, tolerated. Israel, J. RN.

VISIT COMPLEXITY SCALE:**NON-INTAKE ACUITY**

Non-Intake Acuity Scale 4: Three or more Chronic Conditions addressed as in (3) OR Emergency response in the facility OR acutely ill patients requiring phone consultation with Urgi, specialist, phone call to community provider

Vital Signs

BP		
L Arm: 105/69	08/21/2016 08:01:27 PM	Shauna-Kaye Stewart
120/88	08/21/2016 08:00:41 PM	Roneisha Harris
Pulse		
72	08/21/2016 08:01:27 PM	Shauna-Kaye Stewart
78	08/21/2016 08:00:41 PM	Roneisha Harris
RR		
	08/21/2016 08:01:27	Shauna-

Patient: HENRY, LEVAR DOB: 11/02/1977 Progress Note: Justin Wilson, MD 08/21/2016

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

16	PM	Kaye Stewart
14	08/21/2016 08:00:41 PM	Roneisha Harris
Temp		
98.6	08/21/2016 08:01:27 PM	Shauna-Kaye Stewart
98.6	08/21/2016 08:00:41 PM	Roneisha Harris
SaO2		
98	08/21/2016 08:00:41 PM	Roneisha Harris
Glucose		
104	08/21/2016 08:00:41 PM	Roneisha Harris

ExaminationGeneral Examination:

GENERAL APPEARANCE: well-developed, well-hydrated, well-nourished, no acute distress. Uncooperative with exam..

HEENT: minor bruise on right head, no other head trauma appreciated. Fundi: grossly WNL, EOMI, anicteric sclera.

HEART: PMI:-, normal, RATE:-, regular, RHYTHM:-, regular, HEART SOUNDS:-, normal S1S2, MURMURS:-, none.

CHEST: CHEST WALL:-, non-tender.

LUNGS: clear to auscultation bilaterally.

Neurological:

Uncooperative with Neuro exam.

Knows who is the President.

He knows his birthdate.

He knows the date and year.

He knows he is at Manhattan house

He said his Mom is Nadine--she died.

Assessments

1. Headache - 784.0 (Primary)

2. Dizziness and giddiness - 780.4

Treatment**1. Headache**

Start Ibuprofen Tablet, 400 MG, Total Dose: 800mg, Orally, Stat, 0 days, Drug Source: RN/LPN DOT

Follow Up

08/22/2016 (Reason: headache/Dizziness)

Disposition: General Population

Notes: If any changes neurologically, consider Neuro eval or as seen appropriate. Vitals in Half an hour. if WNL D/C from Clinic.

Appointment Provider: Justin Wilson, MD



Electronically signed by Justin Wilson MD on 08/21/2016 at
09:40 PM EDT

Sign off status: Completed

Addendum:

08/21/2016 10:53 PM Peguero, Francisco > Repeated vital signs
before D/C from clinic; BP-102/67, O2-98, Temp-98.2, PR-72

Manhattan Detention Center
125 White Street
New York, NY 10013
Tel: 347-774-7000
Fax: 347-774-8088

Patient: HENRY, LEVAR DOB: 11/02/1977 Progress Note: Justin Wilson, MD 08/21/2016

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

HEALTH + HOSPITALS

Insurance: Medicaid

HENRY, LEVAR

NYSID: 07839962Z BookCase: 3491609157

Facility Code: GRVC Housing Area: 11A

39 Y old Male, DOB: 11/02/1977

Account Number: 29547

272 WEST 154TH ST, 5B, 1B, NEW YORK, NY-10039

Appointment Facility: George R. Vierno Center

01/19/2017

Appointment Provider: Joshua Rosenthal, MHC

Current Medications

Taking

- Remeron 15 MG Tablet Total Dose: 15 mg At Bedtime, stop date 02/08/2017, KOP: No, Drug Source: Pharmacy-Non Carry, Notes: Pharmacy-Non Carry
- Naprosyn 250 MG Tablet Total Dose: 500 mg BID, stop date 01/23/2017, KOP: No, Drug Source: Pharmacy
- Miconazole Nitrate 2 % Cream Total Dose: 1 TUBE, APP Twice a day, stop date 02/02/2017, Drug Source: Pharmacy
- Alim & Mag Hydroxide-Simeth 400-400-40 MG/5ML Suspension Total Dose: 1 BOTTLE, APP Twice a Day, stop date 01/24/2017, Drug Source: Pharmacy

Past Medical History

None

Reason for Appointment

1. TPR and MH Clinicians Progress Note

History of Present Illness

TEMPLATES:

TPR AND MH CLINICIANS PROGRESS NOTE

SUBJECTIVE:

Subjective

= pt seen for TPR at his cell in the bing. Pt reports he expects to be leaving the box Jan 24, and on Jan 23 he returns to ct for his drug possession case in which he is curr offered 3 1/2 yrs. pt reports not willing to accept the time believing there are many problems related to his case and esp since he recently copped out to 3 yrs fro his drug sale case which he believes makes no sense that he should be given more time for a drug possession case than for a drug sale case. Pt also states that he has a parole violation charge and is curr offered 3 yrs for that which he is also unwilling to accept esp if not run concurrent. pt reports coping as best he can, still suffering pain when the police beat him up when searching rro drugs, takes his meds that helps him sleep, and was told he will be seen again next week hopefully before he leaves the box., pt also complained of dizziness and light headedness (possibly vertigo) as well as ringing in his ear and hoping to see an ENT doctor to further evaluate him.

TPR INFO:

TPR info

Date of review: 01/19/2017

Date of next review: 02/16/2017

GP/MO:

GP/MO

Please select GP or MO: GP

ASSESSMENT OF PROBLEMS AND NEED 1

Problem and need 1

Problem # 1: DEPRESSED MOOD

Goal: Elevate mood to euthymic,

Objective # 1: Establish rapport with mental health staff and engage appropriately in treatment

Patient: HENRY, LEVAR DOB: 11/02/1977 Progress Note: Joshua Rosenthal, MHC 01/19/2017

Note generated by eClinicalWorks EHR/PM Software (www.eClinicalWorks.com)

Summary View for HENRY, LEVAR

Page 1 of 3



Insurance: Medicaid

HENRY, LEVAR

NYSID: 07839962Z BookCase: 3491609157

Facility Code: OBCC Housing Area: 5L

39 Y old Male, DOB: 11/02/1977

Account Number: 29547

272 WEST 154TH ST, 5B, 1B, NEW YORK, NY-10039

Appointment Facility: Otis Bantum Correctional Center

04/02/2017

Appointment Provider: Asm Choudhury, MD

Current Medications**Taking**

• Remeron 15 MG Tablet Total Dose: 15 mg
At Bedtime, stop date 04/04/2017, KOP: No.
Drug Source: Pharmacy-Non Carry, Notes:
Pharmacy-Non Carry

Past Medical History

None

Allergies

N.K.D.A.

Reason for Appointment

1. Medication

History of Present IllnessTEMPLATES**PSYCHIATRY - MEDICATION REEVALUATION**SUBJECTIVE:Subjective

= Patient states, "I got headache" it has been there for 8 months. its hard fro him to be seen by internist. remeron helps him sleep amd in depression. , Pt request to continue medications, Pt denies SI/HI and is stable for GP with MH follow up., Pt coping well., Pt interacts w/o incident in MH clinic, Pt denies any SI HI AH VH PI

BRIEF SUMMARY ASSESSMENT AND PLAN:Brief Summary Assessment and Plan

Brief Summary Assessment and Plan (describe in Notes field):
39 years old male with adjustment d/o , appears coping well. no depressive sx. will cocontinue current meds.

ExaminationOBJECTIVE:Objective:

= , Pt appears to be functioning well on the unit, Pt scheduled this date for FU. Pt sitting calmly and appropriately for interview, No specific complaints, PT WAS WELL RELATED, PT APPEARED ALERT AND RESPONSIVE, PT DENIES ANY SI HI AH PI VH, PT COPING WELL, PT GOAL DIRECTED, PT INTERACTS W/O INCIDENT IN MH CLINIC, PT OBSERVED PRE AND POST MH INTERVIEW PT IS IN NO DISTRESS

MENTAL STATUSAppearance:

= Chronological Age, Normal Weight .

Behavior:

= Cooperative, Relates Well, Accessible, Good Eye Contact .

Mood:

Patient: HENRY, LEVAR DOB: 11/02/1977 Progress Note: Asm Choudhury, MD 04/02/2017

Note generated by: ClinicalWorks EHR/PM Software (www.ClinicalWorks.com)

5/22/2017 01:18 PM

Location Code: 1
Invoice No. 3491509157Make: Pair
Lens Color: Clear/White
Frame Item: Ben 52 GreyStore: NY GRVC
Patient Name: Henry, LevarLens Type: Single Vision (Far)
Edge Type:

Order Date: 05/22/2017

Prescribe Date:

User ID: 02 National Eye Care

Lens Material: Plastic (CR-39) 1.498

Polish Edges: No Pin Bevel: No

Tray # 060830

Customer Account No.

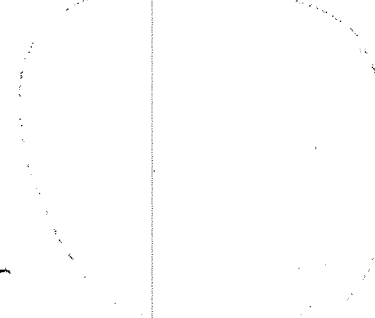
	Sphere	Cylinder	Axis	Far PD	Near PD	OC Ht	Inc. in	Inc. in	Base
R	-2.25			38.5	36.5	24.74			
L	-1.75	-0.50	70	38.5	36.5	24.74			
Pattern No.	000005			A 54.02 B	48.47 L.D.	61.54 ED A.M.	35.36 C.M. (R)	171.62 C.M. (L)	171.78 DBL
									16.20




5L

Right

Comments



Left

Job Options.

D 00408



NYC DEPARTMENT OF HEALTH & MENTAL HYGIENE
CORRECTIONAL HEALTH SERVICES

PROGRESS NOTE

EVERY ENTRY MUST BE DATED AND SIGNED

Henry, Sean
34916 09157
078399622
DOB: 11/2/77

DATE	OBSERVATIONS
	MD note / sick call
5/16/17	Patient presents to clinic
6:30 PM	Complaining of Back Pain
UPC	VS: BP: 98/59 P: 83 R: 14
	Temp: 98.2 OF
	O: Patient is Alert and oriented
	HEENT: PERK, Throat clear
	Lungs clear
	Heart Reg Rate
	Abdomen Benign
	Back Mild tenderness in
	lumbar Area in
	paraspinal muscles
	A/P: Back Pain
	naproxen 500mg BID
	Flex as needed
	R. Henry MD
	R. Chery, MD

eCW System Downtime:DATE

Medical provider Punch List

Please complete on sheet per encounter.

Demographics	
Name:	<i>Henry J. Borden</i>
B & C Number:	<i>3091609957</i>
NYSID Number:	
Date of Birth:	<i>11/27/77</i>

Vitals	
Pulse:	<i>83</i>
Temperature:	<i>98.2</i>
Respiration:	<i>18</i>
Blood Pressure:	<i>98/59</i>

Problem List	
1	<i>Back pain</i>
2	
3	
4	
5	
6	
7	
8	
9	
10	

Ordered Labs	
1	
2	
3	<i>ALL</i>
4	
5	

Diagnostic Imaging	
1	
2	<i>ALL</i>
3	

Medications	
1	<i>Waguarden 500mg BID</i>
2	
3	
4	
5	
6	
7	
8	

Future appointments	
1	
2	<i>ALL</i>
3	

Outgoing Referrals	
1	
2	<i>ALL</i>
3	

Allergies	
<i>ALL</i>	

D 00411

8

Attachment B

Form #7101R, Eff. 09/10/12, Rev. Dir. #2376 - page 1



City of New York - Department of Correction

INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

Inmate's Name: LEVAR HENRY	Book & Case #: 3491609157	NYSID # (optional): 07839962Z	
Facility: MDC	Housing Area: 5N	Date of Incident: 10/25/16	Date Submitted: 10/25/16

NEED TO GET TO SICK CALL. I HAVE A BROKEN TOOTH. BACK AND HEADACHES. IN ORDER TO GET PAIN MEDS I HAVE TO GO TO SICK CALL. THE ONES THE OFFICERS GIVE OUT AT THE UNIT ARE NOT STRONG ENOUGH.

Action Requested by Inmate:

I WOULD LIKE TO GO TO SICK CALL. THEY NEVER CALL IT IN MY UNIT.

Please read below and check the correct box:

- Do you agree to have your statement edited for clarification by IGRP staff?
 Do you understand the IGRP and to waive the grievance or request for you?
 Have you filed this grievance or request with a court or other agency?
 Did you report this incident to an inmate?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Inmate's Signature:

Date of Signature: OCT 25, 2016

Time Stamp Below:

Grievance and Request Reference #:

Category:

Inmate Grievance and Request Program Staff's Signature:

EXHIBIT C

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK, PART AR3

People of the State of New York

-against-

Docket No.: 2016PY050250

Cross Grand Jury Notice

LIVIA HENRY

Defendant

PLEASE TAKE NOTICE that defendant wishes to appear as a witness in his/her own behalf at any grand jury proceeding concerning the above-referenced felony complaint and,

PLEASE TAKE NOTICE that pursuant to CPL 190.50 (1)(a) the defendant requests that the District Attorney serve notice on the undersigned of any scheduled grand jury presentation concerning the above referenced complaint.

8/19
Dated: 8/19/2016
New York, New York

Yours,

PERCY D. GAYANILO, ESQ.
Attorney for Defendant
305 Broadway
14th Floor
New York, New York 10007

Attn: NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE
Assistant District Attorney, BRIAN MORQUEL

D 00099

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

LEVIN HENRY
Defendant

ORDER TO PRODUCE
DOCKET NUMBER

20160100000000000000

TO: THE COMMISSIONER, NEW YORK CITY DEPARTMENT OF CORRECTION
THE WARDEN OF THE NEW YORK COUNTY GRAND JURY

The defendant, who is committed to the custody of the Commissioner of the New York City Department of Correction by a securing order of this Court, has served notice on the District Attorney of an intention to testify before the grand jury that will consider defendant's case.

Thereupon, the District Attorney moved this Court, pursuant to CPL § 550.10(2) (a), for this order to produce defendant at the grand jury on AUGUST 24 2016 the CPL 180.80 date, which is the date defendant is scheduled to waive immunity and testify before the grand jury.

Upon the application of the District Attorney, with notice to defendant's attorney, it is hereby

ORDERED, that the Commissioner of the New York City Department of Correction produce defendant, NYSID No. 217399627 on the above date to the 12th floor detention facility at the Criminal Courts Building, 100 Centre Street, in New York County, and it is further

ORDERED, that the Commissioner of Correction release defendant to the temporary custody of the grand jury warden so that defendant can be brought before the grand jury and, in the presence of his attorney, waive immunity and to testify, and it is further

ORDERED, that the grand jury warden, upon completion of defendant's testimony before the grand jury, return defendant to the custody of the Commissioner of Correction.

HON. LAURIE PETERSON

Judge/Justice

Dated: New York, New York

2016

EXHIBIT D



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Form Version: NYC-COMPT-BLA-PIT-1

Personal Injury Claim Form

Claim must be filed in person or by registered or certified mail within 90 days of the occurrence at the NYC Comptroller's Office, 1 Centre Street, Room 1225, New York, New York 10007. It must be notarized. If claim is not resolved within 1 year and 90 days of the occurrence, you must start legal action to preserve your rights.

TYPE OR PRINT

I am filing:

☒ On behalf of myself.

☐ On behalf of someone else. If on someone else's behalf, please provide the following information.

Last Name:

HENRY

First Name:

LEVAR

Relationship to the claimant:

☐ Attorney is filing.

Attorney Information (If claimant is represented by attorney)

Firm or Last Name:

Firm or First Name:

Address:

Address 2:

City:

State:

Zip Code:

Tax ID:

Phone #:

Email Address:

Claimant Information

*Last Name:

HENRY

*First Name:

LEVAR

Address:

125 WHITE STREET

Address 2:

City:

N.Y.

State:

N.Y.

Zip Code:

10013

Country:

USA

Date of Birth:

11/02/1977

Format: MM/DD/YYYY

SSN Sec. #

SN:

edicare #)

Date of Death:

Age:

Format: MM/DD/YYYY

Address:

2126663993 OR 7482954002
LEVARHENRYTWELVE@GMAIL.COM

Occupation:

DRIVER/PARKING ATTENDANT

Employee?

☒ Yes ☐ No ☐ NA

☒ Male ☐ Female ☐ Other

Required field(s).

2016 SEP 15 PM 2:14



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Medical Information

1st Treatment Date:	08/18/2016	Format: MM/DD/YYYY
Hospital/Name:	HARLEM HOSPITAL	
Address:	506 LENOX AVE	
Address 2:		
City:	NY	
State:	NY	
Zip Code:	10037	
Date Treated in Emergency Room:	08/18/2016	Format: MM/DD/YYYY
Was claimant taken to hospital by an ambulance? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA		

Employment Information (if claiming lost wages)

Employer's Name:	XXXXXXXXXX AND XXXXXXXXXX
Address	280 W 155th
Address 2:	
City:	NY
State:	NY
Zip Code:	10039
Work Days Lost:	TBA
Amount Earned Weekly:	TBA

Treating Physician Information

Last Name:	PUUTTEMADA
First Name:	RAVIKALA
Address:	HARLEM HOSPITAL
Address 2:	
City:	ny
State:	ny
Zip Code:	10037

notes required field(s).

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 23

-----X
The People of the State of New York,

- against -

LEVAR HENRY,

Defendant.
-----X

NOTICE OF MOTION

Indictment No.: 3584N-2016

PLEASE TAKE NOTICE, that upon the annexed affirmation of PERCY D. GAYANILO, ESQ., attorney for the Defendant, LEVAR HENRY, and upon the Indictment and all the proceedings had herein, the undersigned will move this court on the 12th day of December, 2016, at 9:30 a.m. in the forenoon of that day or as soon thereafter as counsel can be heard for an order granting the following relief:

1. Dismissal of the Indictment pursuant to Article 210 C.P.L.
2. Inspection and reduction of counts in the Indictment pursuant to Article 210 C.P.L. and release of Grand Jury minutes.
3. Bill of Particulars pursuant to Section 200.95 C.P.L.
4. Discovery pursuant to C.P.L. Article 240; (and Brady Material).
5. Suppression from use at trial of evidence, pursuant to Article 710 C.P.L.
6. Sandoval Hearing
7. Leave to file additional motions

PS P 16 OCT 4 PM 12:18

PLEASE TAKE FURTHER NOTICE, that the defendant demands that upon proceeding, hearing, or trial in this case in which the people call witnesses, that as to each such witness that the people call to testify, the people instruct said witness to bring to court or the

people cause to be brought into court the following:

1. All written or otherwise recorded statements of the witness made in connection with this case, including but not limited to memo book; arrest, complaint, and follow-up forms. People v. Rosario, 9 N.Y.2d 286 (1961); Butts v. Justices, 37 A.D.2d 607, (2nd Dept. 1971); People v. Malinsky, 15 N.Y.2d 86 (1965); People v. Raghelle, 69 N.Y.2d 56 (1986).

2. Any record, paraphrase or summary of any statement made by the witness, written by or at the request of the People, whether or not the People believe any such writing to constitute work product as such decision is one to be made by the court. People v. Consolazio, 40 N.Y.2d 446, 387 N.Y.S.2d 62 (1976).

Dated: September 28, 2016
New York, New York

Respectfully submitted,

GAYANILO LAW FIRM, PLLC

PERCY D. GAYANILO, ESQ.
Attorney for Defendant
305 Broadway
14th Floor
New York, New York 10007
(212) 571-5910

To: BRIDGET G. BRENNAN
Special Assistant District Attorney
New York, New York 10013
ADA Brian Rodriguez

CLERK, SUPREME COURT, PART 23
New York County

EXHIBIT E

Date: 08/18/16 Call: 3868 CAD Incident ID: 162313868 --- UNKNOWN CONDITION

PDJob#: I16081824586

NYFDJob#:

Triage Status:

Dispatch Type: OTHER

Initial Type: OTHER

Final Type: OTHER

CRO: #8737 (AR00) DISP: #0887 (MN5P) Held?: NO Relay?: Segment: 6 Area: M8 Atom: 032M

Incident Triage Description: NO TRIAGE OF ANY KIND WAS DONE OR NOT APPLICABLE (NOT AR01-AR25, CR01-CR16).

Locations: 2770 FREDERICK DOUGLASS BLVD , MN

21:29:05 PDCOMP (PD07) P6SP8 -- 1 UNDER - ARREST READ (8737)

21:29:05 PDADR-OK (8737) Verified: 254 W 154 ST ,MN From: 254 W 154 ST,MN

21:29:05 PDCHG-EMS-ATOM (ADR4) 032NA FROM LAT: +040.828091 LON: -073.937093 ZIP: 10039 (8737)

21:29:11 PDADR-VIEWED (8737) AR00 F (8737)

21:29:34 ENTRY (8737) NO MORE INFORMATION

21:29:34 FINAL (8737) ACK SENT TO PD FOR I16081824586 - JOB FIRST SENT TO RELAY

21:29:34 DISP-DISPLAY (0887)

21:29:34 SUGG-UNIT31 (0887) %16E3 %16A3 -16B3 -09A3 %12E3 .Dual

21:29:34 SUGG-UNIT32 (0887) %13W3 -12Y3 -13Y3 .Dual %11V3 %11Y3

21:29:34 SUGG-UNIT33 (0887) %13W3 %16E3 %16A3 -16B3 -09A3 -12Y3

21:30:14 SUGG-UNIT31 (0887) %16E3 %16A3 -16B3 %12E3 -09A3 .Dual

21:30:14 SUGG-UNIT32 (0887) %13W3 -12Y3 -13Y3 .Dual %11V3 %11Y3

21:30:14 SUGG-UNIT33 (0887) %13W3 %16E3 %16A3 -16B3 -12Y3 %12B3

21:30:14 ASSIGNED (0887) 16E3 #5729 KLEB EMT, KYLE STA 13 #1100 LYNCH EMT, ROBERT STA 13 89

21:30:14 ETA-84 (0887) 16E3-213514 030CE 032NA

21:30:18 * DMSG-RECEIVED (5729) 16E3

21:30:24 * ENROUTE (5729) 16E3

21:35:26 * ONSCENE (5729) 16E3

21:39:20 CONTACT (0894) 16E3 UCR+020 , GOING TO THE HOUSING BASE

21:39:47 CHANGED-LOC (0894) 254 W 154 ST ,MN TO 2770 FREDERICK DOUGLASS BLVD ,MN

21:39:47 CHANGED-ATOM (0894) 032NA TO 032MA

21:39:55 NEW-LOCATION (0894) 16E3 2770 FREDERICK DOUGLASS BLVD ,MN

21:39:55 ENROUTE (0894) 16E3

21:40:03 ENROUTE (0894) 16E3

21:40:26 ONSCENE (0894) 16E3

21:55:06 REQ-UNIT (0894) Req Unit 81K3 from MN5P , 16E 2ND PT -- D0894+

21:57:27 SUGG-UNIT31 (0843) .Dual >10H3 %13E3 >81K3 -11C3 %10C3

21:57:27 SUGG-UNIT32 (0843) %16Z3 %13W3 .Dual %13Y3 %12X3 %81Y3

21:57:27 SUGG-UNIT33 (0843) %16Z3 %13W3 .Dual %13Y3 %12X3 >10H3

21:57:27 ASSIST (0843) 81K3 #7560 CHEN EMT, MING HN:18 #7181 SEALEY EMT, PRESTON HN:18 97 @

21:57:27 2770 FREDERICK DOUGLASS BLVD ,MN

21:57:27 ETA-84 (0843) 81K3-220426 024MC 032MA

21:57:31 * DMSG-NOT-RCVD (7181) 81K3 LAT: 40804410 LONG: 73969880 GPS ATOM: 024MC AREA: M8

21:57:48 * ENROUTE (7181) 81K3

22:08:14 * ONSCENE (7181) 81K3

22:08:39 CONTACT (0894) 16E3 UCR+020 , XPC

22:30:08 CONTACT (0894) 16E3 UCR+020 , XPC

22:30:14 CONTACT (0894) 81K3 UCR+020 , XPC

22:41:29 * SUGH-MASK (7181) 81K3 GED/07 CADULT/07 CPEDS/07P OBS/07 STROKE/07 BURNS/07 STEMI/17

LVAD/17 SAFE/07 PEDP/07E AEDP/07E PTRAUM/07P ATRAUM/07 HBARIC/14 PGED/07

CLOSEST/07 AREA/07 17 27 20

22:45:02 * SUGH-MASK (5729) 16E3 GED/07 CADULT/07 CPEDS/07P OBS/07 STROKE/07 BURNS/07 STEMI/17

LVAD/17 SAFE/07 PEDP/07E AEDP/07E PTRAUM/07P ATRAUM/07 HBARIC/14 PGED/07

CLOSEST/07 AREA/07 17 27 20

22:45:09 * HDSP-MASK (5729) 07 MN 16E3 BLS FOR GED /SUGH

22:45:09 * GIVE-DISPO (5729) 16E3 82B

22:48:16 * HDSP-MASK (7181) 07 MN 81K3 BLS FOR GED /SUGH

22:48:16 * GIVE-DISPO (7181) 81K3 82B

22:51:38 * 10-81 (5729) 16E3

22:51:38 MILEAGE 16E3 1.0

23:09:05 CONTACT (0878) 81K3 UCR+020 , NRR 4 UPD

23:17:40 CONTACT (0878) 16E3 UCR+025 , NRR

23:22:04 * 10-97 (5729) 16E3

23:24:06 CONTACT (0887) 81K3 UCR+020 , NRR

D 00046

Date: 08/18/16 Call: 3868 CAD Incident ID: 162313868 --- UNKNOWN CONDITION

PDJob#: 115081824586

NYFDJob#:

Triage Status:

Dispatch Type: OTHER

Initial Type: OTHER

Final Type: OTHER

CRO: #8737 (AR00) DISP: #0887 (MN5P) Held?: NO Relay?: Segment: 6 Area: M8 Atom: 032M

Incident Triage Description: NO TRIAGE OF ANY KIND WAS DONE OR NOT APPLICABLE (NOT AR01-AR25, CR01-CR15).

Locations: 2770 FREDERICK DOUGLASS BLVD , MN

23:24:38 CONTACT (0887) 81K3 UCR+020 , AVL SHOWS UNIT AT H07
 23:31:13 * 10-81 (7181) 81K3
 23:31:13 MILEAGE 81K3 1.0
 23:31:18 * 10-98 (7181) 81K3
 23:31:18 * CLOSED (7181)
 00:04:23 PD-EVENT ASSIGNED/92C D



FIRE DEPARTMENT - CITY OF NEW YORK

I hereby certify pursuant to CPLR 2306 and 2307 that this document is a true and accurate copy of a Fire Department record kept in the regular course of Fire Department business.

Signature: L. VegaDate: 6/14/18Print Name: L. VegaUnit: CDLS

D 00047

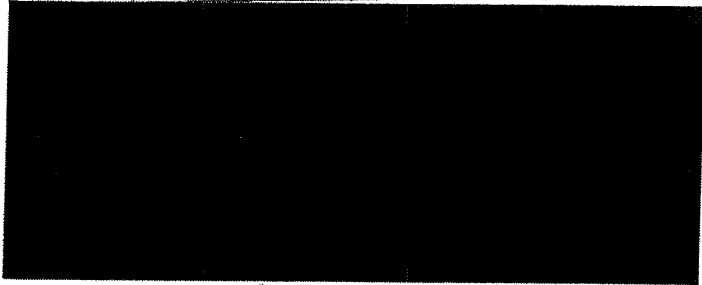
EXHIBIT F

CITY OF NEW YORK POLICE DEPARTMENT		B 299469
Name	<u>70 [Signature]</u>	Tax Reg. No. <u>953 255</u>
Date Opened	<u>3/12/14</u>	Supervisory Officer <u>SC [Signature]</u>
Date Closed	<u>7/20/16</u>	Supervisory Officer _____

PD 112-145 (07-09)

000000

A Sunday 2/12/16 AC 1130 18005

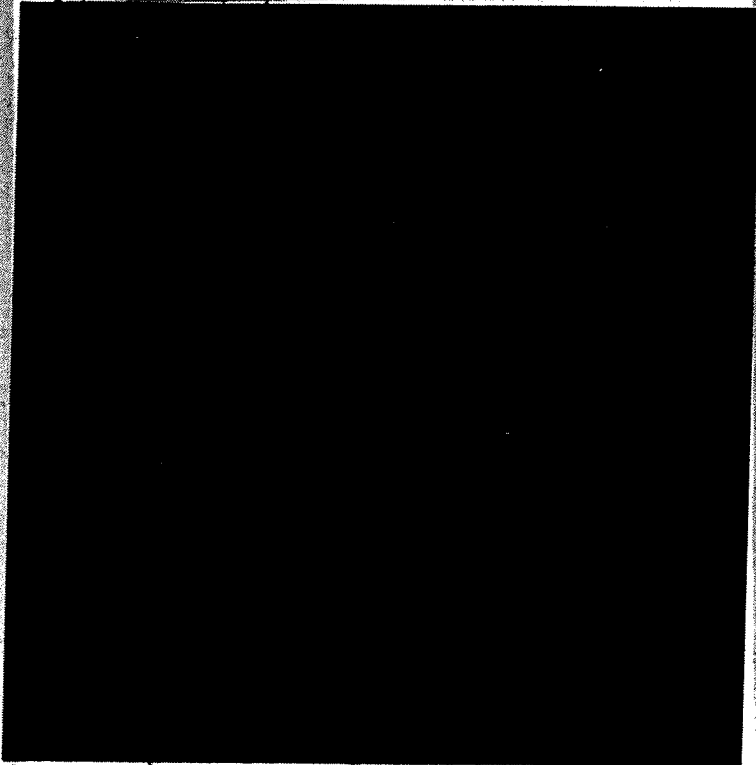


2117: 2 under big crane 1 in 229543

Hill To Hill / 10-2

1130: 84 C BASE / 62A

0205: LOT TO 121 1608



CITY OF NEW YORK
POLICE DEPARTMENT

B 241901

Name

PO Thomas C

Tax Reg. No.

052290

Do

02/13/16

Supervisory Officer

Sgt. Sawyer

Date Closed

11/10/16

Supervisory Officer

Sgt. Sanchez

FD-113-445 (07-01)

D 00024

Thurs 11/18/16 Jan. 17 30x035

[REDACTED]

2110 85 backing Crime/Housing
@ 154 + McComb

2117 92x2 by PO Perez/1

2130 84 @ PSAC/62A

2300 10-6/A @ S+Luke P
Hospital with PO Carrera. He
injured his hand during the
85

0135 2315 84 S+Luke Hospital

0135 91198/10-2

0200 84 PSAC

0205 EOI

[REDACTED]

CITY OF NEW YORK
POLICE DEPARTMENT

Name Paul Peter A. Laro

Reported No. 100-100000

Date Given 12/11/17

Signature of Officer [Signature]

Date Given 12/11/17

Signature of Officer [Signature]

D 00022

Thursday 8/18/16 1730x0205
Assignment Page

8/10 8/10 Stop For intent to
Sale of narcotics Henry

LEVAR 11/2/77 278 W 154 ST
ST apt SB NY NY
② DET G [REDACTED] 1/16 [REDACTED]

FOR ① SA RESISTING CPS7

2110 92CX 2 LT. HERNANDEZ

NOTES/Transporting 2/M
TO PSA6

2125 84 @ PSA6/69A

2145 Authorized Stop Search

BY LT. HERNANDEZ, POSITIVE

2250 Both Pears taken to Harlem

HOSP

2355 61# 2018-32 5553

2305 online # m16657283P FOR

DET G [REDACTED] [REDACTED]

2315 Online # m1659286T FOR

DET. HELEY, L-AVER

2330 voucher # 1000639194 FOR

Arrest evidence cellphone

2335 Voucher # 1000839200 FOR

Arrest Evidence is in custody

B 203.00 det. HELEY

2345 Voucher # 1000639206 FOR

Arrest Evidence FOR 126 gmc

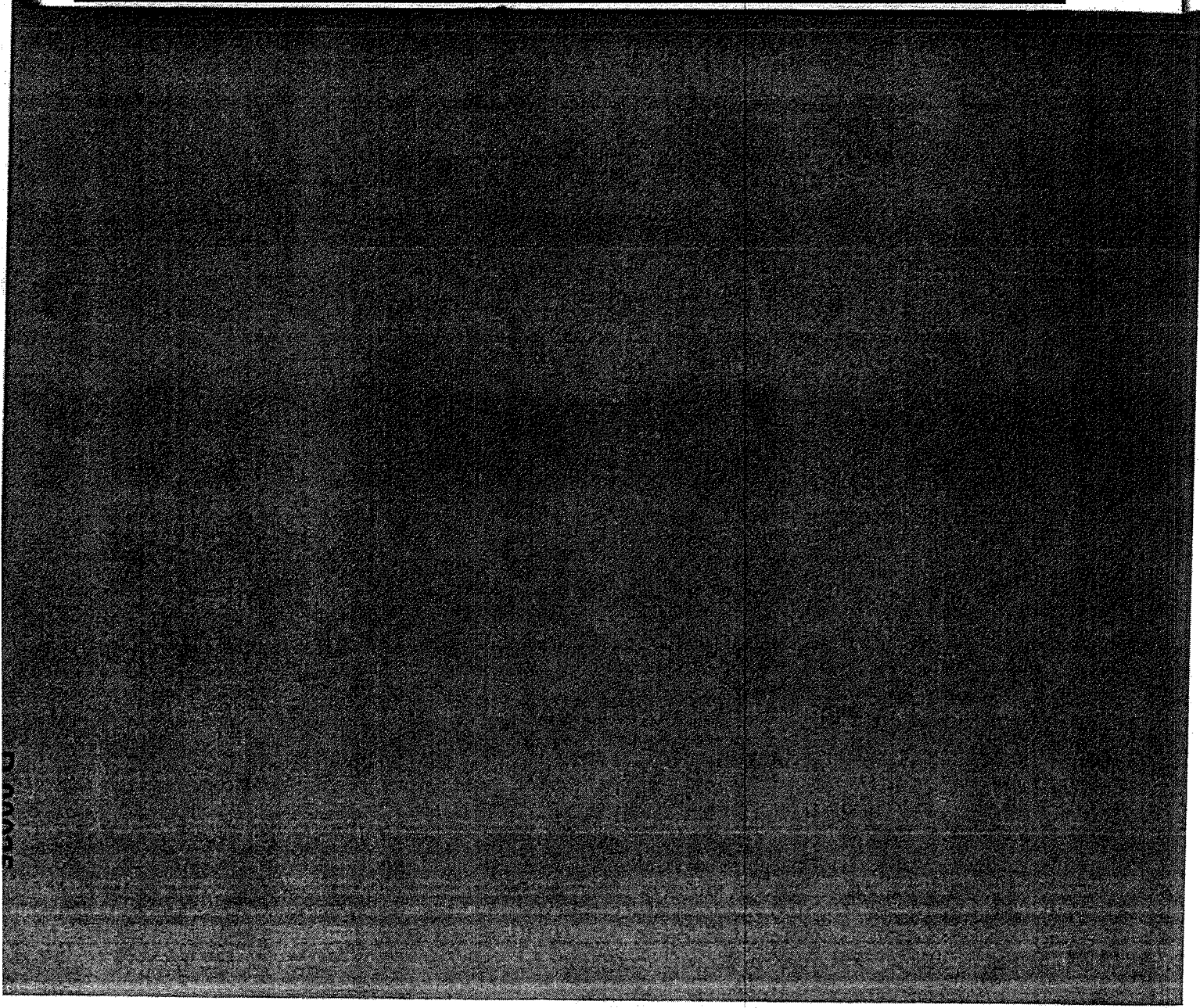
of C Rock cocaine 11 mgc

Rock cocaine det. HELEY

2355 Voucher # FOR 1000839187

FOR Arresting Cellphone

✓ headphone. For Dept Goldwater
0405 607 PO. D. — 819507



CITY OF NEW YORK
POLICE DEPARTMENT

E 234222

Name

[Signature]

Exhibit No.

4587

Date Opened

7/1/18

Supervisor/Officer

[Signature]

Date Closed

Supervisor/Officer

[Signature]

FORM 245 (0-18)

D 00026

10

740 1 m 3 bags
 Harbor Elm bushes
 bar scale Henry
 lower 11/2/77 272
 10752 507 1077 SB
 Dept 10 [redacted] 72
 E [redacted] Robinson
 good CPCS 2.
 2117 qc 22
 but therefore
 No HCA 1 tubular
 2 m to 100 ft
 2000 m 0526

Leaven 11/6/77

222 W 15th St Apt 5B

Box 6 [REDACTED] [REDACTED]

2460 Ave

Residence [REDACTED] 2009

2117 Ave X2 Lt Humber

Buttfield New York 2/14

to ASAB

2125 W 15th St

2145 Acropolis Stry Beach

by Lt Henderson possible

also with [REDACTED] [REDACTED]

for [REDACTED] [REDACTED]

2255 6th 2016 - 32-5553

2320 Ave [REDACTED] to

St 1-151 with [REDACTED]

Theresa [REDACTED] [REDACTED]

hand [REDACTED] [REDACTED]

2320 Ave [REDACTED] [REDACTED]

2135 98 Central Ave to

Robert [REDACTED] [REDACTED]

EXHIBIT G

FD-1007a (00/01)

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)
NOTICE OF VIOLATIONTO: Henry LevarINST.# 10A4556WARRANT# 752826NYSID# 078399622

You are charged with violating the conditions of your release in the manner specified on the attached violation of release report.

A preliminary hearing on these charges has been scheduled on 9/22/16 at 9am at Rikers RUC
Date Time PlaceShould you waive a preliminary hearing or should probable cause be found at this hearing that you have violated any condition of your release in an important respect, a final hearing on these charges will be held on 10/5/16 at 9am at RUC
Date Time Place

In the event that your return to the State of New York cannot be effected for the hearing as scheduled above due to circumstances beyond the Department's control, you will be afforded a preliminary hearing and final revocation hearing at such time as you may become available for return on the Department's warrant.

You have the right to a preliminary and final revocation hearing. A preliminary hearing may be held to determine whether there is probable cause to believe that you violated one or more of the conditions of your release in an important respect. At this hearing you are entitled to appear and speak on your own behalf; introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses. Proof of your conviction of a crime committed after your release shall constitute probable cause for the purpose of the preliminary hearing. You may be represented by counsel. It is your responsibility to obtain counsel. Your waiver of this preliminary hearing is the equivalent to a finding of probable cause.

In the event you are convicted of either a misdemeanor or a felony offense committed while under community supervision and a preliminary hearing has not been completed, you will not be entitled to the preliminary hearing on the basis of the new conviction. Any preliminary hearing which may have been scheduled may therefore be cancelled upon your conviction for such misdemeanor or felony.

Following the establishment of probable cause, the Board of Parole or its designee will review your case and may order that you be held for a final revocation hearing.

At the final revocation hearing, the presiding officer will determine whether there is a preponderance of evidence to support each of the charged violations. At this hearing, you have the right to be represented by counsel; to speak on your own behalf; have the right to introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses against you. At this hearing, you also have the right to present mitigating evidence relevant to your restoration to community supervision.

In the event you are convicted of a felony offense committed while under community supervision and you receive a new indeterminate or determinate sentence, any final revocation hearing which has been scheduled for you may be cancelled. In such instances, the Board of Parole may issue a final declaration of delinquency based upon that conviction and sentence.

In the event the Board of Parole issues a final declaration of delinquency, you will be served with a copy of that determination together with a copy of the commitment.

Should you be convicted of a crime committed after your release, it is the intention of the Department of Corrections and Community Supervision to introduce evidence of your conviction at the time of your revocation hearing.

A request to adjourn either scheduled hearing should be made in the case of a preliminary hearing, at least three (3) days, and in the case of a final hearing, at least seven (7) days prior to the hearing, in writing, to the local area office. Requests for adjournments made at the hearing will only be granted for good cause shown.

Violation of Release Report received:

[Signature]
Signature9-15-16
Date

All persons charged with a violation are required to be present at all proceedings regarding that violation of community supervision which are authorized by the Board of Parole. Any voluntary failure on your part to be present at any of these proceedings may result in a finding that your failure to appear was a voluntary, knowing and intelligent waiver of your right to appear. Should such a finding be made, a hearing in absentia can be held and a final determination be made regarding the charges pending against you, including, if necessary, a time assessment because of the violation of community supervision.

☒ I DO wish to have a preliminary hearing9-15-16
Date9/15/16
Date☐ I do NOT wish to have a preliminary hearing[Signature]
Signature of Releasee[Signature]
Signature of Witness

If you cannot afford an attorney and wish to have counsel at your preliminary hearing, sign and detach this form. It is your responsibility to mail the form to the address shown on the form. If you request counsel at your preliminary hearing, you must mail this form IMMEDIATELY.

TO: Parole Defense
199 Chambers St
NYCNYRE: Levar Henry
NameWARRANT # 752826

I am an alleged community supervision violator being held at:

I am scheduled for a preliminary hearing to be held on _____ at _____ at _____
Date Time PlaceI have waived my preliminary hearing. A final hearing has been scheduled for _____
Date
_____ at _____
Time Place

I cannot afford an attorney and request that I be assigned counsel.

Releasee _____
Name

EXHIBIT H

Case 1:17-cv-03450-JGK Document 8 Filed 09/22/17 Page 47 of 103
 CRIMINAL COURT OF THE CITY OF NEW YORK
 COUNTY OF NEW YORK

Page 1 of 2
 (16)

THE PEOPLE OF THE STATE OF NEW YORK

FELONY

-against-

1. Devar Henry (M 38), 188
 2. Edward Goldfaden (M 48), MCDS

ADA Brian Rodriguez
 212-815-0445

Defendants.

Police Officer Gary Perez, Shield 27357 of the Housing Bureau PSA 6, states as follows:

The defendants are charged with:

- | | |
|-------------------|--------------------------------------------------------------------------------------------------------------------|
| 1 PL 220.16(1) | Criminal Possession of a Controlled Substance in the Third Degree
(defendant #1: 1 count) |
| 2 PL 215.40(1)(a) | Tampering with Physical Evidence
(defendant #2: 1 count) |
| 3 PL 195.05 | Obstructing Governmental Administration in the Second Degree
(defendant #1: 1 count)
(defendant #2: 1 count) |
| 4 PL 205.30 | Resisting Arrest
(defendant #1: 1 count) |

On or about August 18, 2016 at about 9:17 P.M., across from 70 Macombs Place in the County and State of New York, the defendant knowingly and unlawfully possessed a narcotic drug with intent to sell it; the defendant, with intent that it be used and introduced in an official proceeding and a prospective official proceeding, knowingly made, devised and prepared false physical evidence; the defendants intentionally prevented and attempted to prevent a public servant from performing an official function by intimidation, physical force and interference and by means of an independently unlawful act; the defendant intentionally attempted to prevent a police officer and peace officer from effecting an authorized arrest of himself and another person.

The factual basis for these charges are as follows:

At the above time and place, I observed defendant LEVAR HENRY approach defendant EDWARD GOLDFADEN and hand him small objects in exchange for United States currency. I then approached GOLDFADEN, identified myself as a police officer, and asked GOLDFADEN to show me what HENRY had just given him. Despite my request, GOLDFADEN refused to open his hand. Moments later, I observed two (2) small



CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

FELONY

-against-

1. Levar Henry (M 38),
2. Edward Goldfaden (M 48),

ADA Brian Rodriguez
212-815-0445

Defendants.

plastic bags each containing a white rocky substance in GOLDFADEN's hand, which he then raised to his mouth and swallowed.

I then observed Police Officer Randys Figueroa, Shield# 10407 of the Housing Bureau PSA 6, in a struggle with HENRY, in that HENRY was refusing to be handcuffed by stiffening his arms and continuously reaching towards the back of his shorts despite orders to stop resisting. I am informed by Officer Figueroa that he observed a total of three (3) small plastic bags each containing a white rocky substance fall from HENRY's shorts during this struggle.

After the above-described events, I observed HENRY get into the back seat of a marked NYPD RMP. I am informed by Police Officer Carlos Pimentel, Shield# 07608 of the Housing Bureau PSA 6, that after arriving at the precinct, he recovered one (1) small plastic bag containing a white rocky substance from the area where HENRY was seated, that no other individuals were seated in that area with HENRY, and that Officer Pimentel did not observe said plastic bag prior to HENRY being placed in the RMP.

I am informed by Officer Pimentel as well as Police Officer Carlos Thomas, Shield# 21295 of the Housing Bureau PSA 6, that they recovered a total of (8) small plastic bags each containing a white rocky substance from the holding cell in which HENRY was placed after arriving at the precinct, that no other individuals were in the cell with HENRY, and that they did not observe said plastic bags prior to HENRY being placed in the cell.

I am informed by Police Officer Juan Carrero, Shield# 00160 of the Housing Bureau PSA 6, that pursuant to a search of HENRY's person at the precinct, he recovered one (1) large white rocky substance wrapped in plastic.

I am informed by Police Officer Willie Thompson, Shield# 15823 of the Housing Bureau PSA 6, that a physician's assistant of a local hospital recovered one (1) small plastic bag containing a white rocky substance from HENRY's rectum during an examination.

I believe all of the substances described above are cocaine based upon: my professional training as a police officer in the identification of drugs, my prior experience as a police officer making drug arrests and an observation of the packaging, which is



Police Officer Gary Perez
fo p
 Date 8/19/18 Time 1457
 False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.
 Characteristic of this type of drug.

CRIMINAL COURT OF THE CITY OF NEW YORK
 COUNTY OF NEW YORK
 THE PEOPLE OF THE STATE OF NEW YORK
 -against-
 1. Levat Henry (M 38),
 2. Edward Golden (M 48),
 Defendants.

ADA Brann Rodriguez
 212-815-0445

FELONY

Page 3 of 3

Criminal Court of the City of New York

New York County




Felony Complaint

19
FThe People of the State of New York
vs.

DEFENDANT:

CHARGES:

BOOKET NUMBER:

Levar Henry M16657286 08/18/2016 21:17 272 WEST 154 STREET MANHATTAN NY	(M 38)	 M16657286	PL 220.16(1) PL 195.05 PL 205.30	2016NY050250 	FELONY
Edward Goldfaden M16657283 08/18/2016 21:17 2960 8 AVENUE MANHATTAN NY	(M 48)	 M16657283	PL 215.40(1)(a) PL 195.05		

Interpreter: Language _____ Screener: RODRIGUEZ, BRIAN - SNP 30/60

Notices Served at Arraignment:

- ☐ CPL 190.50 - Grand Jury
☐ Cross Grand Jury
☐ Waive Cross Grand Jury
☐ CPL 710.30(1) (A) - Statement
☐ CPL 710.30(1) (B) - Identification
☐ CPL 250.20 - Alibi
☐ PL 450.10(48 hrs /15 days) - Property
☐ OTHER: _____

Adjournment:

Part: _____ Date: _____

☐ CPL 180.80/30.30 Waived**Bail Condition:**

- _____/_____/_____
(Ins. Co. Bond) (Cash) (Other)
- ☐ Surety Exam - 48 hours/72 hours
☐ Temporary Order of Protection
☐ ART. 730 Exam Ordered
☐ Medical Attention
☐ Protective Custody
☐ Suicide Watch
☐ Psychiatric Evaluation

Arresting Officer	Court Reporter	Date	Part
GARY PEREZ			

Judge: _____

(21)

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

ARREST NOTIFICATION

TO: AREA OFFICE: MANHATTAN II
PO: CARTER-CLARKE, PATINA
SPO: CAMACHO, ALFONSO
AREA SUPERVISOR: ROSADO, RICHARD

DATE: 08-19-2016
TIME: 11:26 AM

FROM: PARTNER - ALERTS SYSTEM

RE: HENRY, LEVAR

NYSID: 07839962Z

THE ABOVE INDIVIDUAL WAS ARRESTED ON: 08-18-2016

CRIME DATE: 08-18-2016

USING THE NAME: HENRY, LEVAR

FOR:

PL 22016	01	B FEL
PL 22039	01	B FEL
PL 22031	00	D FEL
PL 19507	00	E FEL
PL 20530	00	1 MISD

CRIM POSS CONTR SUBSTANCE 3RD(REV 09/79)
CRIM SALE CONTR SUBSTANCE 3RD(REV 09/79)
CRIM SALE CONTR SUBSTANCE 5TH(REV 09/79)
OBSTRUCTING GOVERNMENTAL ADMIN 1ST
RESISTING ARREST

BY: NYCPD PCT 032

COURT OF ARRAIGNMENT: CRIM CRT NEW YORK
COURT CONTROL NUMBER: 67785934K

AGENCY ID NUMBER: M16657286

REPORTED ADDRESS

272 WEST 154 STREET
MANHATTAN

NY

PARTNER ADDRESS

NEW YORK

NY

TRAN #:

FAX #:

SUPERVISION STATUS OF THIS CASE IS: REPORTING

NO WARRANT IS ISSUED

NO WANTED NOTICE IS POSTED FOR THIS CASE

PLEASE REFER TO HIT NUMBER 07839962Z20160818001 IF CONTACTING THE
QUALITY & CONTROL ALERTS UNIT



The People of the State of New York, Respondent, v Azim Hall, Appellant.
COURT OF APPEALS OF NEW YORK
10 N.Y.3d 303; 886 N.E.2d 162; 856 N.Y.S.2d 540; 2008 N.Y. LEXIS 684; 2008 NY Slip Op 2676
No. 29
February 7, 2008, Argued
March 25, 2008, Decided

Page 1 of 3

People of the State of New York against Luis Villegas
SUPREME COURT OF NEW YORK, BRONX COUNTY
46 Misc. 3d 232; 994 N.Y.S.2d 534; 2014 N.Y. Misc. LEXIS 4667; 2014 NY Slip Op 24328
0044/2013
October 29, 2014, Decided

Notice:

THIS OPINION IS UNCORRECTED AND SUBJECT TO REVISION BEFORE PUBLICATION IN THE PRINTED OFFICIAL REPORTS.

THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING RELEASE OF THE FINAL PUBLISHED VERSION.

Judges: APRIL A. NEWBAUER, Acting Justice of the Supreme Court.

CASE SUMMARYAs neither the indictment filed with the court nor the copies subsequently reviewed contained the signature of the grand jury foreperson, as the clerk's affidavit did not refer to the indictment or the actions she took, and as the People did not produced a signed copy or the foreperson to clarify the anomaly, the indictment was dismissed.

OVERVIEW: HOLDINGS: [1]-The indictment charging with criminal sale of a controlled substance in or near school grounds had to be dismissed because neither the indictment filed with the court nor the copies subsequently reviewed contained the signature of the grand jury foreperson, the minutes of the supreme court arraignment did not refer to the indictment being signed, the clerk's affidavit did not refer to the indictment or any particular actions that she took, the grand jury minutes did not reveal that the jurors voted a true bill, and upon defendant's timely CPL 210.30 motion, it was incumbent on the People to produce the grand jury foreperson or demonstrate equivalent evidence of a signed indictment to clarify the anomaly.

OUTCOME: Indictment dismissed.

LexisNexis Headnotes

Criminal Law & Procedure > Grand Juries > Procedures > Return of Indictments > Procedural

EXHIBIT I

Counsel

IN
Index #
No. 2016NY050250

Adjourn Date 9/13/2016 Part 21

Filed day of , 2016

THE PEOPLE OF THE STATE OF NEW YORK

Pleads

-against-

Levar Henry,

Bail

Defendant.

INDICTMENT

CRIMINAL POSSESSION OF A CONTROLLED
SUBSTANCE IN THE FOURTH DEGREE

ADA RODRIGUEZ/PART 21

P.L. S220.09(1)

BRIDGET G. BRENNAN
Special Assistant District Attorney

A TRUE BILL

Foreperson

D 00055

SUPREME COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK
CRIMINAL TERM: SPECIAL NARCOTICS PARTS
THE PEOPLE OF THE STATE OF NEW YORK

-Against-

Levar Henry,

Defendant.

THE GRAND JURY OF THE SPECIAL NARCOTICS COURTS OF THE CITY OF
NEW YORK, by this indictment, accuses the defendant of the crime
of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FOURTH
DEGREE, P.L. §220.09(1), committed as follows:

Said defendant, in the County of New York, City of New York,
on or about August 18, 2016, knowingly and unlawfully possessed
one or more preparations, compounds, mixtures and substances
containing a narcotic drug, to wit, cocaine, and said
preparations, compounds, mixtures or substances were of an
aggregate weight of one-eighth ounce or more.

BRIDGET G. BRENNAN
Special Assistant District Attorney

EXHIBIT J

25

Henry Levar

DIN # 10A4556

NYSID # 07839962Z

1

NYS DEPARTMENT OF CORRECTIONAL SERVICES
AND COMMUNITY SUPERVISION

In the Matter of

LEVAR HENRY

DIN # 10A4556

NYSID # 07839962Z

WARRANT # 752826

INSTITUTION: SING SING C.F.

LOCATION: Rikers Island Judicial Center
East Elmhurst, New York

TYPE OF HEARING: Preliminary Hearing

DATE: September 23, 2016

BEFORE: SHARON BURNETT, Hearing Officer

APPEARANCES: PATINA CARTER-CLARKE, Parole Officer
Shield 1951
Manhattan II Area Office

ERIN NAGY, Attorney for Parolee
Legal Aid Society

LEVAR HENRY, Parolee

HEARING REPORTER: EILEEN ARRIGO, Hearing Reporter

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Henry Levar

DIN # 10A4556

NYSID # 07839962Z

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1 THE HEARING OFFICER: Are you Levar Henry?

2 THE PAROLEE: Yes.

3 THE HEARING OFFICER: This is a preliminary hearing
4 in the matter of Levar Henry, NYSID number 07839962Z,
5 warrant number 752826.

6 Good morning, Mr. Henry. My name is Sharon Burnett.
7 I'm a preliminary hearing officer designated by the Board of
8 Parole to preside over this preliminary hearing.

9 Because testimonies will be taken, could you please
10 raise your right hands.

11 Do you swear or affirm any testimony or statements
12 you are about to give today will be the truth, the whole
13 truth and nothing but the truth?

14 P.O. CARTER-CLARKE: I do.

15 THE PAROLEE: Yes.

16 THE HEARING OFFICER: Please state your names for
17 the record starting with the parole officer.

18 P.O. CARTER-CLARKE: Parole Officer Patina
19 Carter-Clarke, shield 1951, Manhattan II.

20 MS. NAGY: Erin Nagy, Legal Aid Society.

21 THE PAROLEE: Levar Henry.

22 THE HEARING OFFICER: Mr. Henry, this preliminary
23 hearing, it's an informal administrative hearing. It's a
24 hearing to determine whether or not there's reasons to
25 believe or probable cause to believe that you violated at

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1 least one of the conditions of your release in an important
2 respect.

3 If probable cause is found, you will be held over for
4 the final hearing. If probable cause is not found within 15
5 days of the lodging of your warrant, your warrant will be
6 vacated, and you will return to parole supervision.

7 Do you understand?

8 THE PAROLEE: Yes, ma'am.

9 THE HEARING OFFICER: Ms. Nagy, have you discussed
10 with Mr. Henry his rights and the ways in which he may plead
11 at this hearing?

12 MS. NAGY: I have.

13 THE HEARING OFFICER: At this time I will review the
14 documents.

15 I have a one-page violation of release report,
16 charges one through eight.

17 I have one and a half pages of case summary signed by
18 Officer Clarke on 9-15-2016, also signed by Senior Parole
19 Officer Camacho.

20 I have a certificate of release to parole supervision
21 in the name of Levar Henry. Document was signed by
22 Mr. Henry on December 20, 2012..

23 Finally, I have a notice of violation in the name of
24 Levar Henry. NYSID number and warrant number were the
25 numbers I read into the record. Where the document has

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1 violation of release report received, it is signed by
2 Mr. Henry, and it is dated 9-15-2016, at which time
3 Mr. Henry was scheduled to have his preliminary hearing held
4 by having the box checked that states I do wish to have a
5 preliminary hearing, signed on 9-15-2016 by Mr. Henry and
6 Officer Clarke.

7 Did you receive these documents, Mr. Henry?

8 THE PAROLEE: Yes, ma'am.

9 THE HEARING OFFICER: Parole Officer Clarke, did you
10 prepare the violation of release report?

11 P.O. CARTER-CLARKE: I did.

12 THE HEARING OFFICER: Is such a document prepared
13 during the normal course of business as a parole officer?

14 P.O. CARTER-CLARKE: Yes.

15 THE HEARING OFFICER: Do you attest to the
16 truthfulness and accuracy of the contents therein?

17 P.O. CARTER-CLARKE: Yes.

18 THE HEARING OFFICER: At this time I will take into
19 evidence as State's Exhibit-1 the violation of release
20 report as an accusatory instrument.

21 Are you ready to proceed, officer?

22 P.O. CARTER-CLARKE: I am.

23 THE HEARING OFFICER: What charge will you proceed
24 on?

25 P.O. CARTER-CLARKE: Charge number six.

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1 THE HEARING OFFICER: Please read that charge into
2 the record.

3 P.O. CARTER-CLARKE: Levar Henry is in violation of
4 rule number 11 in that on August 18, 2016 at approximately
5 9:17 p.m. opposite 70 Macombs Place, New York City, the
6 subject was found in possession of an illegal substance, to
7 wit, several bags of crack cocaine without medical
8 authorization.

9 THE HEARING OFFICER: Mr. Henry's plea?

10 MS. NAGY: First I'm going to object to the charge
11 as being vague in its nature. It didn't specify how many
12 bags, it just says several, and my client has a right to be
13 aware of the exact accusations against him.

14 THE HEARING OFFICER: He's on notice for having bags
15 of crack cocaine, Counsel. Mr. Henry's plea, please.

16 MS. NAGY: Not guilty.

17 THE HEARING OFFICER: Officer, please present your
18 case.

19 P.O. CARTER-CLARKE: I have been supervising
20 Mr. Henry for several years now, over three years. His
21 overall adjustment to parole supervision I would say was
22 marginal because he has several arrests during that time
23 period for domestic violence issues.

24 MS. NAGY: Objection.

25 THE HEARING OFFICER: One second.

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1 P.O. CARTER-CLARKE: I'm leading up to it.

2 THE HEARING OFFICER: I have to rule on the
3 objection. What is the objection?

4 MS. NAGY: It's not relevant. Anything that's
5 happened in the last three years other than the fact that
6 she's been supervising him for over three years is not
7 relevant to this charge.

8 THE HEARING OFFICER: It may be not relevant to the
9 charge, but it's relevant to the fact that Officer Clarke is
10 testifying as to his --

11 P.O. CARTER-CLARKE: Adjustment.

12 THE HEARING OFFICER: -- adjustment on parole
13 supervision. It's not an offer of proof to the charge. I
14 will take the testimony.

15 P.O. CARTER-CLARKE: A warrant for drug-related
16 activity is still pending. Mr. Henry reported as scheduled.

17 On August 19th, the Division received an arrest
18 notice indicating that Mr. Henry had been arrested on August
19 18th for criminal possession of a controlled substance,
20 criminal sale of a controlled substance, obstructing
21 government administration --

22 MS. NAGY: I'm going to object --

23 P.O. CARTER-CLARKE: -- and resisting arrest.

24 MS. NAGY: -- to the arrest charges.

25 THE HEARING OFFICER: It's just arrest charges,

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1 Counsel. I will take it.

2 MS. NAGY: The charge alleges possession.

3 THE HEARING OFFICER: But Officer Clarke is
4 testifying to the charges that he was charged with when he
5 was arrested on August 18th.

6 Continue, parole officer.

7 P.O. CARTER-CLARKE: I would like to submit a copy
8 of the arrest notification.

9 THE HEARING OFFICER: Do you have the police officer
10 here?

11 P.O. CARTER-CLARKE: I do.

12 THE HEARING OFFICER: We'll deal with that then.

13 Any questions for Officer Clarke?

14 MS. NAGY: Yes.

15 You indicated you have been supervising my client for
16 over three years?

17 P.O. CARTER-CLARKE: Yes.

18 MS. NAGY: Can you tell me exactly when you began
19 supervising him?

20 P.O. CARTER-CLARKE: The exact month?

21 MS. NAGY: Yes.

22 P.O. CARTER-CLARKE: Roundabout -- it was 2012.
23 Roundabout December or so.

24 MS. NAGY: You indicated that he's been out
25 reporting that entire time?

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1 P.O. CARTER-CLARKE: Besides the arrest, yes.

2 MS. NAGY: I have no further questions right now. I
3 may have questions after the officer testifies.

4 THE HEARING OFFICER: You may bring in your witness.

5 (The witness entered the hearing room.)

6 THE HEARING OFFICER: Please raise your right hand
7 to be sworn.

8 Do you swear or affirm that the testimony you are
9 about to give will be the truth, the whole truth and nothing
10 but the truth?

11 THE WITNESS: I do.

12 THE HEARING OFFICER: Please state your name, shield
13 and command.

14 THE WITNESS: Police Officer Figuereo, PSA6, 19407.

15 THE HEARING OFFICER: Officer Clarke, your witness.

16 P.O. CARTER-CLARKE: Good afternoon, Officer
17 Figuereo. Were you working on the date of August 18, 2016,
18 and if so, in what capacity?

19 THE WITNESS: Yes. I was working as a police
20 officer.

21 P.O. CARTER-CLARKE: What area were you covering?

22 THE WITNESS: PSA6 in the confines of the 32
23 precinct.

24 P.O. CARTER-CLARKE: Do you recall any contact with
25 Mr. Henry?

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1 MS. NAGY: Objection. Leading.

2 P.O. CARTER-CLARKE: With the defendant?

3 THE WITNESS: Yes.

4 MS. NAGY: I'm going to object to the leading
5 question.

6 THE HEARING OFFICER: Do you recognize the person to
7 Officer Clarke's right?

8 THE WITNESS: Yes.

9 THE HEARING OFFICER: Who do you recognize him to
10 be?

11 THE WITNESS: He was arrested on August 18th.

12 THE HEARING OFFICER: What's his name?

13 THE WITNESS: Levar Henry.

14 THE HEARING OFFICER: Tell us about the arrest.

15 THE WITNESS: Me and my partner were conducting
16 patrol in plainclothes, unmarked vehicle. We observed
17 Mr. Levan's conduct, what appeared to be a hand-to-hand with
18 another apprehended defendant. We approached them.
19 Mr. Levan was resisting.

20 MS. NAGY: Objection.

21 THE HEARING OFFICER: Tell us what he did.

22 THE WITNESS: Well, he was holding something in his
23 fist. He wouldn't let me cuff him. He wouldn't open his
24 fist. He was trying to put something in his pocket. I was
25 trying to pull it out. Three bags of crack fell out.

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1 THE HEARING OFFICER: You didn't know it was crack
2 then?

3 THE WITNESS: We had observed the hand-to-hand so we
4 approached him.

5 THE HEARING OFFICER: What fell was what? What did
6 it look it?

7 THE WITNESS: Crack.

8 THE HEARING OFFICER: You didn't know it was crack.

9 P.O. CARTER-CLARKE: Describe the testimony. What
10 was it in?

11 THE WITNESS: Ziplock bags containing a white powder
12 inside.

13 THE HEARING OFFICER: Containing a white powdery
14 substance?

15 THE WITNESS: Correct.

16 THE HEARING OFFICER: Continue, parole officer.

17 P.O. CARTER-CLARKE: In your experience, you have
18 seen this type of substance before?

19 THE WITNESS: Yes.

20 P.O. CARTER-CLARKE: You believed it was what?

21 THE WITNESS: Crack cocaine.

22 MS. NAGY: I'm going to object to the leading nature
23 of the questions.

24 THE HEARING OFFICER: Just ask direct questions,
25 please.

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1 P.O. CARTER-CLARKE: What was the substance?

2 MS. NAGY: Objection. Speculation at this point.

3 It's already been asked and answered.

4 P.O. CARTER-CLARKE: What happened after that?

5 THE WITNESS: After that we brought him back to the
6 precinct, and we recovered more crack cocaine.

7 MS. NAGY: Objection.

8 THE HEARING OFFICER: More powdery substance because
9 you don't know it was crack yet.

10 THE WITNESS: Correct.

11 P.O. CARTER-CLARKE: The powdery substance, what
12 happened to it after you got to the precinct and you
13 observed it falling on the street and now --

14 MS. NAGY: Objection. Compound question.

15 P.O. CARTER-CLARKE: What did you do with the
16 substance after that?

17 THE WITNESS: My partner vouchered it.

18 P.O. CARTER-CLARKE: It was vouchered. What does
19 voucher mean in case they don't know?

20 THE WITNESS: It's when we safeguard it. We put it
21 in an envelope and send it out.

22 THE HEARING OFFICER: I didn't hear that.

23 THE WITNESS: It's when we put it in an envelope.
24 We staple it with the person's name as arrest evidence and
25 send it out to the lab.

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1 P.O. CARTER-CLARKE: You said it was a document that
2 was performed and you have verification.

3 MS. NAGY: Objection.

4 THE HEARING OFFICER: Ask questions.

5 P.O. CARTER-CLARKE: The document was vouchered,
6 yes?

7 MS. NAGY: Objection. There's been no testimony as
8 to a document.

9 THE HEARING OFFICER: Was the substance vouchered?

10 P.O. CARTER-CLARKE: Was the substance vouchered?

11 THE WITNESS: Yes.

12 P.O. CARTER-CLARKE: May I submit a copy of the
13 officer's voucher to verify that the alleged substance was
14 vouchered?

15 THE HEARING OFFICER: Show it to counsel.

16 P.O. CARTER-CLARKE: Yes (handing).

17 MS. NAGY: Who is Gary Perez?

18 P.O. CARTER-CLARKE: My partner. The arresting
19 officer.

20 MS. NAGY: So you didn't actually voucher it?

21 THE WITNESS: No. That's what I stated before.

22 MS. NAGY: I'm going to object to this coming in.

23 It's not prepared by the witness, and his name doesn't
24 appear in the invoicing or arresting area of the document,

25 and therefore, he has no --

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1 THE HEARING OFFICER: Well, where were you when the
2 substance was being processed?

3 THE WITNESS: My partner was the one who was
4 processing.

5 MS. NAGY: Objection.

6 THE HEARING OFFICER: Where were you when it was
7 being processed?

8 P.O. CARTER-CLARKE: Were you present?

9 THE WITNESS: I was present, yes.

10 THE HEARING OFFICER: Tell me exactly what he did.

11 THE WITNESS: My partner put it in a yellow
12 envelope, then typed on the computer what he had then. Then
13 put it in a white security envelope. That's how the voucher
14 is done.

15 THE HEARING OFFICER: He did what?

16 THE WITNESS: He put it in a yellow envelope. The
17 yellow envelope goes inside the clear plastic envelope.
18 Then it goes to the narcotics locker.

19 THE HEARING OFFICER: You said you were present
20 while this was happening?

21 THE WITNESS: Yes.

22 P.O. CARTER-CLARKE: I do have the other officer
23 present if we need his testimony.

24 THE HEARING OFFICER: What's the other officer's
25 name?

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1 P.O. CARTER-CLARKE: Perez.

2 THE HEARING OFFICER: That's on this document?

3 P.O. CARTER-CLARKE: Yes.

4 THE HEARING OFFICER: So I will hold off on this.

5 Any other questions for Officer Figuereo?

6 P.O. CARTER-CLARKE: Not at this time.

7 THE HEARING OFFICER: Counsel?

8 MS. NAGY: You were on patrol on 9-1-2016?

9 THE WITNESS: Yes.

10 MS. NAGY: You were in the 32 precinct?

11 THE WITNESS: Confines.

12 MS. NAGY: Were you in a vehicle?

13 THE WITNESS: Yes.

14 MS. NAGY: Was it unmarked?

15 THE WITNESS: Unmarked, yes.

16 MS. NAGY: Were you in plainclothes?

17 THE WITNESS: Yes.

18 MS. NAGY: You were with your partner?

19 THE WITNESS: Yes.

20 MS. NAGY: Were you driving?

21 THE WITNESS: Yes.

22 MS. NAGY: He was in the passenger seat?

23 THE WITNESS: He was in the back. My other partner
24 was in the front.

25 MS. NAGY: Who is your other partner?

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1 THE WITNESS: PO Carrero.

2 MS. NAGY: When did you first observe my client?

3 THE WITNESS: We observed him when he came out of
4 his truck.

5 MS. NAGY: Were you driving when you first observed
6 him?

7 THE WITNESS: No. We were parked.

8 MS. NAGY: Where were you parked in relation to the
9 truck?

10 THE WITNESS: On the side street.

11 MS. NAGY: Were you across the street from his
12 parked vehicle?

13 THE WITNESS: No, on the side street behind. He
14 parked on the corner.

15 THE HEARING OFFICER: Does the street have a name?

16 THE WITNESS: I believe that was 154.

17 MS. NAGY: He's parked on the corner of 154th
18 Street?

19 THE WITNESS: Correct, and I'm parked on Macombs.

20 MS. NAGY: He gets out of his truck?

21 THE WITNESS: Correct.

22 MS. NAGY: And do you follow him?

23 THE WITNESS: He starts walking up the block. We
24 made the left on the block.

25 MS. NAGY: He's by himself?

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1 THE WITNESS: No. He met up with the other
2 codefendant.

3 MS. NAGY: He's by himself when he gets out of the
4 truck?

5 THE WITNESS: Yes.

6 MS. NAGY: He was in the truck by himself?

7 THE WITNESS: Yes.

8 MS. NAGY: You observed him and watched him walk
9 down the street?

10 THE WITNESS: Correct.

11 MS. NAGY: Was he walking towards you?

12 THE WITNESS: No.

13 MS. NAGY: He was walking away from you?

14 THE WITNESS: Yes.

15 MS. NAGY: How many feet away from his truck would
16 you say your vehicle was at the time you first observed him?

17 THE WITNESS: Probably 10-15.

18 MS. NAGY: It was what time of day?

19 THE WITNESS: It was nighttime.

20 MS. NAGY: It was dark outside?

21 THE WITNESS: Yes.

22 MS. NAGY: How long did you watch him?

23 THE WITNESS: About two minutes.

24 MS. NAGY: He was walking away that entire time?

25 THE WITNESS: Yes.

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